Juries—1933

The South's Jury System

The Daily Oklahoman in its editorial column Tuesday, discussing the "Scottsboro Case," and the issues raised regarding jury service, is guilty of intellectual dishonesty, when it shadow boxes aside from the point for its readers, and refuses to face the truth as it should be exposed surrounding Southern court practices.

We are going to quote for our readers two paragraphs from the Oklahoman editorial:

> "If the new trial of the Scottsboro defendants shall result in a conviction and if the case shall finally reach the supreme court on appeal, it is quite probable that the trial will be reversed on the ground that there were no Negroes on the grand jury returning the indictment and on the trial jury returning the verdict of guilty. And if the supreme court shall annul a verdict of guilty on the ground that Negroes have been excluded from participation in the trial, an issue of infinite possibilities will have been raised in the United States.
>
> "Naturally the country thinks of this possible issue as a southern issue exclusively. But would it be a southern issue and would it be limited in its consequences to trials of Negroes only? If the court should hold that a citizen of one color and race cannot be tried constitutionally unless his race and color is represented on the grand jury indicting him and the petit jury trying him, why could not defendants of other races and colors demand the same right or privilege?"

Now the editor of the Daily Oklahoman knows that in the two paragraphs quoted above there has been no attempt to raise the constitutional questions raised at Decatur and in the Crawford case in Virginia. The issue in both of these famous cases does not rest on whether the jury trying the defendants is black or white. The question is HAS THE JURY BEEN DRAWN ACCORDING TO DUE PROCESS OF LAW?

It is ridiculous to assume that Negroes are in court fighting for a system which will provide a rule whereby some Negro must be on every jury where a Negro's rights are involved, and to argue that if the supreme court were to side with this fantasy, every race, sect and creed would then have the right to make the same demand.

Negroes of the United States are in court demanding that juries be impaneled under the "due process" clauses of the federal instrument. No complaint would be made if incident to "due process" the jury happened to be all white, or all Negro; the fight is made solely on the ground that when juries are assembled in a court room the orderly, constitutional processes have not been followed in drawing same.

Having thus disposed of the puerile premise of the Daily Oklahoman, we now quote the federal constitution upon which the Negro bases his claim in fighting the Southern jury system. We now quote a portion of article 1 of the 14th Amendment:

> "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

Now what are some of the privileges and immunities enjoyed by citizens of the United States? Article 6 of the constitution says in part:

> "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed . . ."

Waiving aside the smoke screen of the Oklahoman we turn now to the truth. In Alabama, according to the federal census, there are 944,834 Negroes, or 35.7 per cent of the entire population. Would it strike you as strange when the statement is made that no Negro has served on a grand or petit jury in Alabama in the past 26 years?

Jury panels are selected from the tax list. The jury commission is supposed to close its eyes (so to speak) and "impartially" march down the tax list in the selection of names of taxpayers. These names are thrown into a heap and drawn without the knowledge of the commission members as to who is drawn. Remember again, with almost one million Negroes in Alabama, and with this system supposed to be the due and legal process by which juries are drawn, no Negro has served on a jury in Alabama in 26 years.

In the Crawford case in Virginia the state entered into a stipulation in which it was agreed that Negroes were intentionally barred, while in the Alabama case Attorney General Knight futilly fought to prevent Leibowitz from proving in Judge Horton's court that the practice which the state of Virginia freely admitted was the custom in Morgan County, Alabama.

It can readily be seen that juries in Alabama are not "impartial juries" under the meaning, intent and purpose of the constitution. The supreme court of the United States, when the matter is passed up to that body, will not be scrutinizing some one particular jury panel to determine whether a Negro is in the panel, or whether a Jew is in the panel, because, peradventure, a Jew or a Negro may be on trial. The purpose of the supreme court will be to determine whether integrity and honest endeavor have been exercised in following the legal and constitutional processes which must be followed in drawing the panel. It is reasonable to assume that members of the supreme court, in their right mind and mental balance, will have grave doubts as to the integrity of a system where a million Negroes reside, yet that system during the past 26 years has never passed a Negro into the jury box.

The editor of the Daily Oklahoman, and every informed white man in the South knows that Negroes in Oklahoma and in every section of the South are intentionally deprived of their right to jury service. They know that the Negro's life, liberty and property are constantly menaced by reason of this discrimination. Again in answer to the Oklahoman, we will say that men of other races would have the same standing under the constitution, assumed by Negroes in the "Scottsboro" and "Crawford" cases if it could be shown that in their absence from jury service, the jury commission had them in mind, and because of their race or color excluded them.

But when a state like Virginia openly comes in court and admits Negroes are intentionally barred, that separate lists are kept of Negro and white taxpayers; that the Negro lists are never used by the jury commission, and then after surveying such a situation, will the Oklahoman insist that the supreme court of the United States should decide that a Negro in the state of Virginia has been tried by "due process" of law and by an impartial jury?

NEGROES AS JURORS

The trial of the Scottsboro case has brought vividly to the fore the serving of Negroes as jurors. On this point the state in this case is apprehensive. This is proven from the fact that efforts were made to prove that the names of colored men are inserted in the jury list. The names of several of them were presented. The lawyers for the defense have questioned these names asserting that they were inserted as an after act, and showing by expert testimony that such is a fact. The trial judge has overruled this plea and is continuing the case, but should it result adversely to the defendants it will be one of the grounds for another appeal to the higher courts. The placing of the names of these colored men on the jury list of an Alabama county, is an interesting one and has caused a questionable smile from the knowing ones. If these names were so placed, it is stated that they were never called for service and many may never in the near future, especially for that of a grand jury. The time is very much opportune for those in charge of court duties in the south to be strictly honest with themselves and in dealing with the public. Colored citizens, even tax payers, are entitled to serve on grand and petit juries. In every locality competent men can be secured among them as much so as others who may be summoned at any time. Chatham county has summoned colored men for jury service, not as frequently now as years past, but it will have to go even further by calling them to serve on the grand jury.

Negroes on Grand Jury In Lancaster, Va., Court

Washington Post

Fredericksburg, Va., Nov. 27 (Spl.).—For the first time in recent years, colored men have appeared on the grand jury of the Lancaster court, three at the November session being Negroes.

When Judge Ewell and Judge Wright sat on the bench and before their time, Negroes served, but none during the terms of Judge Blakey, Judge Chinn or Judge Smith until this month.

NEGROES AND JURIES

There are, at this time, two very important cases before the courts of this country in which the rights of Negroes to serve on juries, which indict them and subsequently sit in determining the guilt or innocence of the accused, are basis for an attack.

Down in Virginia, the famous Crawford Case is before a Virginia court. The guilt or the innocence of the accused is not the prime question before the court but the National Association for the Advancement of Colored People is making the fact that Negroes were systematically excluded from the grand jury which indicted Crawford grounds for defense. The judge who selected the venire has admitted that he summoned those of his acquaintance and his associates. The defense contends that this admission is prima facie evidence that Negroes were discriminated against because Negroes are not regarded as having social standing with a judge in Virginia. Therefore, this admission makes the road of the prosecution more difficult when we take into consideration that in all probabilities this judge will not admit, under any circumstances, that he regards the Negro as his equal socially. On the other hand, if the defense council succeeds in proving that there was discrimination against colored people in the selection of the jury which indicted Crawford, they will move for a dismissal of the charge on the ground that the indictment is faulty because it violates the Fourteenth amendment to the Federal Constitution.

Judge Lowell of the United States District Court of Massachusetts, sitting in the Crawford case in an extradition proceeding declared, "Eventually why not now?" This learned jurist said that the State of Virginia had admitted that the grand jury which indicted Crawford had discriminated against Negroes in the selection of the said jury, that therefore the Fourteenth amendment to the Federal Constitution had evidently been violated and that with these facts before the United States Supreme Court there was no doubt in his mind what the court would do. He also stated that he saw no reason for prolonging the matter, allowing the case to drag through the courts at the expense of the defense and the defense and the taxpayers; but the United States Circuit Court of Appeal overruled this decision by Judge Lowell on a technical ground and the case is back in Virginia.

The defense council which is composed of only Negro lawyers is moving with care, every step, in the preparation and defense of the case, laying the foundation for an appeal to the United States Supreme Court should the state courts secure a conviction.

In the meanwhile, our attention is directed to a little town in Morgan County, Alabama, known as Decatur where the nine Scottsboro boys are to be tried for their lives for an alleged attack upon two white women who were hoboing through the country. And while the evidence in the case shows an absolute "frame up" in the prosecution of these boys, yet the defense council is using every precaution to lay the foundation for an appeal to the United States Supreme Court Should the boys again be convicted by the Alabama court, the strongest point which, no doubt, will be used in case such an appeal is taken is that of the systematic exclusion of Negroes from juries in Morgan County, Alabama.

We are pleased to see this step taken by the defense council in both these cases. Already this effort has done much to put the courts and our system of administering justice on a higher plane. It will cause judges to give more consideration to Negroes in the selection of juries. A little more care will be taken to see that members of our race are on the panel. It will cause judges and those who have to do with the selection of juries to have more respect for the common law which says that one should be tried by a "jury of his peer." Having once gotten that fixed in their minds, they will learn to have more respect for other provisions of the constitution and law governing procedure in cases where Negroes' very lives are at stake.

These cases herein referred to have attracted nation-wide attention, particularly on the point of the systematic exclusion of Negroes from juries. Therefore, lawyers, judges, juries and citizens, generally, are interested in the outcome of these cases.

NEGROES AND JURY SERVICE

For the first time since the memory of man runneth not to the contrary, almost, a Negro has served on a petit jury in one of the state district courts of Texas. This happened in Beaumont, Jefferson County, and Prof. T. J. Charlton, principal of Charlton-Pollard High School, was the juror. This apparent dawn of a new day has some significant aspects.

First of all Prof. Charlton did the unusual thing for a Negro leader when he did not seek to be "excused" from this duty of citizenship. Most Negro leaders would have sought excuse upon some idea that Negro jurors are not wanted anyway.

Second, the court house did not fall down and nobody died because a Negro juror served just as creditably and intelligently and honorably as any other juror on the panel. So many people believe that the earth will sink if a Negro is accorded the rights which the State and Federal Constitutions guarantee to him.

Finally, this shows the new type of leadership which must come from our school heads if we are to make any sustained and substantial racial progress. We must have school principals and teachers whom Negro boys and girls can respect and love because of how they act in community life, and not simply because of what they say in the classroom.

Misinformation

WE TAKE IT that a newspaper so well informed as the *Danville Register* must have experienced a lapse of memory when it printed editorially the following misinformation:

"The Federal government has recognized the hopeless aspect of the 'mixed jury.' While frequently a Negro is called for service on the grand jury the government does not use juries of mixed racial origins either south of the Mason and Dixon line or north of it."

When the late Judge WADDILL presided over the federal court of the eastern Virginia district Negroes frequently served on trial juries in Norfolk, Richmond, and Alexandria. Last month one Negro served as a trial juror and another as a grand juror in Federal Court here under Judge WAY, and in one case was made foreman of the jury by his eleven white colleagues.

Negroes have recently served on trial juries in Tennessee, West Virginia, Maryland, Pennsylvania, Illinois and Indiana. A Negro was called for jury duty in Charleston, S. C., a few days ago and was excused only because he did not believe in capital punishment.

The *Register* should recheck its information.

Juries-1933

GOLDSBORO, N. C.
NEWS ARGUS

AUG 17 1933

Negroes On Southern Juries

The announcement of two Richmond judges, John L. Ingram and Ernest H. Wells, that "representative" Negroes will be summoned for service on the grand juries of two Hustings Courts in Richmond, beginning with the October term, is accompanied by the statement that "it is understood that Judges Ingram and Wells decided to take this step as a result of the agitation over the failure of Southern courts to call Negroes for jury service."

The explanation is hardly necessary. Although Negroes have done jury service here and there in the South the recent experiments with

(Continued on Page Five.)

Negro jurymen in various parts of the South were not begun by chance. They came as a direct result of the agitation resulting from two cases, the Scottsboro case in Alabama, and the Crawford case in Virginia and Massachusetts, both cases raising the question of the reconcilability of Negro exclusion with constitutional sanctions.

The change, we think, is significant. Legally, the right of properly qualified Negroes to serve on juries has been definitely determined by the Supreme Court of the United States. Practically, there can not be many informed Negroes who are not familiar with the difficulties of throwing jury service open to members of their race suddenly and in all cases. But that is far from saying they should be excluded as much as they have been in recent years. The approach will necessarily be slow and at times probably painful. The change is, however as nearly certain as anything can be in the future. Both races have, therefore, a serious obligation to see that the first steps are wisely taken and that sufficient precautions will safeguard an experiment which, if wisely managed, should play an important part in the evolution of justice. Judges Ingram and Wells deserve congratulations for leading the way.—Norfolk Virginian-Pilot.

CANANDAIGUA, N. Y.
DAILY MESSENGER

AUG 25 1933

NEGRO JURORS IN RICHMOND

A sequel of the controversy over the case of George Crawford, a Negro indicted for murder in Virginia, is the decision of the two criminal court judges in Richmond to have Negroes called for the grand jury and eventually for petit jury service. This breaks a precedent of 30 years. Customs, not law, has kept Negroes out of the jury box in the Old Dominion.

Judge Lowell in Boston ordered the freeing of Crawford on the ground that, as there were no Negroes on Virginia juries, no fair trial was possible. The United States Circuit Court of Appeals reversed this decision, but granted a stay to let the Supreme Court of the United States pass with finality on the broad issue involved. Then a Virginia member of the House of Representatives moved for the impeachment of Judge Lowell, but got little encouragement even from fellow Democrats.

It is safe to say that the venerable justice of the court of last resort in Washington will heave sighs of relief over the changed situation in Virginia. In the Scottsboro cases though the Negro-juror issue was raised it was not passed upon. It looked for a time as though the Crawford case would compel a yes-or-no decision. Now, with Virginia providing for Negroes in the jury box, no such embarrassment is likely to develop. — Brooklyn Eagle.

Chapel Hill N. C. News Letter
September 8, 1933

Negroes on Grand Jury

(Richmond Times-Dispatch)

Richmonders and Virginians generally, we believe, will applaud the determination of Judges John L. Ingram and Ernest H. Wells to place the names of Negroes on grand jury lists. It is a step forward which bespeaks the proper spirit.

There is no sound reason why the Negroes of Richmond should not participate in the administration of justice. They are full-fledged citizens of the community, and, as such, have an inherent right to have a hand in the direction of its affairs. They share in the formulation of governmental policies; by what course of reasoning should they be denied a place in the administration of laws under which they, as citizens live?

Richmond has a large Negro population, yet there has never been the slightest friction between them and the white population. They have dwelt together all these years in peace and friendship. The Negroes, as a whole, have proved themselves to be good, law-abiding citizens, ready at all times to do their part in the advancement of the community. The cause of government will not have suffered by reason of their participation in it.

Wanted, Smart Lawyers

Richmond, Virginia, is patting itself on the back because two city judges last week announced colored persons will be called for the October term of the Grand Jury.

The rejoicing would be greater if the action of the Grand Jury were the result of something Richmond citizens had done for themselves.

But the fact is, that to get its citizens on petit and grand juries, from which they have been excluded for ten years, Richmonders themselves have done exactly nothing.

The ball was started in Maryland, when Communists in the Euel Lee case drew nation-wide attention to the illegal procedure of lily-white juries.

For the first time in sixty years some Maryland counties then began selecting Negro jurors.

Communists used the same methods to win the Scottsboro cases and then the N.A.A.C.P. gave Virginia a black eye with the now celebrated Crawford case, which will doubtless go to the U.S. Supreme Court.

Massachusetts has declined to extradite Crawford because he was indicted in Virginia by a grand jury from which Negroes were excluded.

The point we make is that Richmond's judges are not suddenly becoming reformers. They are calling colored jurors because they must, not because they like it.

Unless Virginia judges reform their jury system, any smart lawyer can throw a monkey-wrench into the entire judicial system that will put it into a snarl for months.

Two such smart lawyers have already done this, so that in Bluefield, West Virginia, and in Alexandria, Virginia, colored jurors were put on in a hurry.

What we need in Virginia, Maryland, and the rest of our jurorless states are more lawyers of the type of James S. Redmond and Byron Hopkins.

A dozen of them are worth more to us than all of the judges in Dixie.

PETERSBURG, VA.
PROGRESS-INDEX

SEP 24 1933

Lynchburg Uses Colored Grand Jurors

Editor Progress-Index:

Dear Sir—Having read with considerable interest your editorial regarding "mixed juries" and the commentaries of Robert G. Bass published in today's editions of your paper, I would like to say the apparent problem has been solved satisfactorily in some sections of Virginia, of which Lynchburg is one.

The late Judge Frank P. Christian early during his tenure decided it was only fair and just that a Negro have some part in trials, since each man is to be tried and judged by a jury of his peers, so to speak. Here, as in Petersburg, Negro defendants are numerous on the dockets. Judge Christian had a Negro sit as a grand juror to consider the presentments and aid in determining whether indictments should be returned. For years this has been the custom here and it has worked very satisfactorily to both races. Its inception caused virtually no comment and the practice has long since been recognized as fair.

Not only does the Negro grand juror pass upon bills involving members of his own race, but those of the white defendants as well. Of course this custom has no bearing on the petit or trial jury, but it does allow the Negroes privileges.

Sincerely yours,
CHAS. P. BEAZLEY.
Lynchburg.

PRECEDENT BROKEN BY VA. JUDGES

Jurist Presides Over Six Circuits Courts

FIRST IN MANY YEARS

Action By Judge F. W. Coleman of Fredericksburg Lauded

Special to Journal and Guide

FREDERICKSBURG, Va. — Judge Frederick W. Coleman, who presides over the court of this city and the Circuit Courts of Spotsylvania, Stafford, King George, Caroline and Hanover Counties, has called Negro citizens for grand jury service in two of his courts.

Judge Coleman included among his list of grand jurors at Stafford County Courthouse Monday morning the name of Douglas Lawson, who sat with the jury throughout its deliberations.

It is the first time in many years that a colored man has been named on a Stafford County grand jury. Judge Coleman evidently plans to adopt the custom throughout his jurisdiction, as he also placed two Negroes on the grand jury panel in Hanover County last Friday.

Hanover County List

The Hanover County grand jury list included the names of Edmund D. Bowles and J. H. Dandridge. The Hanover County grand jury meets on September 18.

Judge Coleman is following the lead of two Richmond judges, who early in August announced that they would forego the custom of limiting grand jury lists to white citizens, beginning in October, and of other judges throughout the state who have recently been including both races on grand jury panels (or have indicated that they will shortly).

Asked last Saturday if he planned to call Negroes on the Stafford County jury, Judge Coleman said then he was not ready to make any announcement. The day previously, however, in Hanover County the judge furnished the sheriff with a list of jurors' names and on it were the names of the two colored men.

Breaks Precedent

Sheriff W. E. Curtis received the precedent-breaking list for Stafford County Monday from Judge Coleman. In addition to Lawson, the Stafford County jurors included C. N. Knight, foreman; R. C. L. Moncure, W. T. Peyton, T. S. DeShazo and F. J. Woodward, all white.

Among the indictments returned by the Stafford County grand jury Monday were two against Negroes. Eddie Hill was indicted for housebreaking and his trial set for September 28. Harrison Payne was indicted, pleaded guilty before Judge Coleman, and was sentenced to 7 years each on three charges in the true bill returned aaginst him.

Payne was charged with breaking into a garage and stealing auto accessories, breaking and entering a house and stealing chickens. He had just returned from the penitentiary after serving a term of five years.

Several indictments against white persons were also returned. Charges against these persons included burglary, driving while intoxicated, assault and battery, and disturbing religious worship.

Judge Coleman lives in this city. He is characterized as a believer in equal justice regardless of color. It is believed that he is the first actually to appoint colored grand jurors in the state since the issue became paramount following the constitutional questions raised in the Crawford extradition case, involving Virginia's so far unsuccessful effort have George Crawford extradited from Massachusetts to stand trial on charges of murdering two white women. Crawford's case is now before the U. S. Supreme Court.

Alexandria's Judge's Action

A judge in Alexandria, Va., called a colored man for grand jury service in that city early in the summer, but this was after the absence of Negroes on the jury roll was challenged by defense lawyers, who were planning to have any verdict against their client set aside because of the discrimination practiced in drawing up the jury list.

The other courts over which Judge Coleman presides haven't met as yet, but will convene later this month. It is almost a certainty that he will include Negroes on his grand jury lists in those courts also.

Virginia Farmer Fined For Refusing To Sit On Jury With Negroes

RICHMOND, VA., Sept. 18.—(AP)—Wellford Gilman, farmer living near Ashland, was fined $10 for contempt of court in Hanover County Circuit Court today when he declined to serve on a Grand Jury, two members of which were Negroes.

The order was handed down by Judge Frederick W. Coleman. The case was the first to arise in Virginia since various circuit judges recently announced that as an aftermath of the Crawford murder case in Massachusetts, mixed juries would be drawn to act upon indictments.

The foundation of the Virginia jury system is now under attack before the Supreme Court of the United States. George Crawford, negro, accused of the murder of Agnes B. Ilsley, and her maid, Nina Buckner, of Middleburg, Va., was freed by Judge James Lowell, of Boston, who granted a writ of habeas corpus on the ground that negroes did not serve on juries in Virginia.

Birmingham, Ala., Age-Herald
October 4, 1933

JUDGE HEARS MOTIONS

Attack On Coupnty Jury Boxes Made By Attorney

Judge J. Russell McElroy Tuesday afternoon took under advisement motions filed by W. A. Denson, attorney, attacking the validity of the Jefferson County jury box a second time on grounds that it does not contain names of Negroes and that the names in the box are under control of "unnamed conspirators."

County Atty. Jelks Cabaniss, appointed by the court to appear as amicus curiae in the case, filed a motion to strike Denson's motions on grounds that they did not allege sufficient facts to quash the box.

The hearing was attended by several members of the Jefferson legislative delegation, some of whom were attached by the sheriff's office on court orders requested by Denson. Among those summoned as witnesses, but who did not take the stand inasmuch as no testimony was taken, were Postmaster Cooper Green, Lewey Robinson, Democratic nominee for city commissioner; John Morrow, Charlie West and Joe Tate, of the legislative delegation, and Ernest Matthews, former county attorney and lobbyist.

Judge McElroy is expected to announce a ruling soon.

Judge Coleman Fines White Juror As Virginians Gird To Enforce New Black and Tan Jury System

That the State of Virginia is determined to include Negroes in its jury system has been evident for some time, but that they will "move both heaven and earth" to do it was shocked into the minds of the citizens o fthe South in no uncertain tones last Monday when Judge Frederick W. Coleman fined and threatened to jail a white juror who refused to sit with two Negro jurors in the Hanover County Circuit Court.

Wellford Gilman, one of the white members of the grand jury serving in that court, Monday morning refused to serve on the jury because two of the members were colored.

"You will have to serve or pay a fine of $10 for contempt of court," the judge sternly ruled. The jurist was plainly displeased and when Gilman said he did not have $10, the judge told him he would have to serve two days in jail in default of the payment. Friends of Gilman paid the money for him and Gilman was released. He was not allowed to serve on the jury.

It is said that all of the Virginia circuit judges will call colored men for service on all grand juries. In Richmond, Judge John L. Ingram, of the Hustings Court, and Judge Ernest H. Wells, of the Hustings Court, Part II, have announced that colored men will be called on the juries which will meet in these courts on October 2. It is also indicated that colored men will be drawn for petit jury service in Richmond when the jury commissioners meet in February to select 1,000 names for jury panels for all of the courts here using juries.

Cavalier "Tops the Cotton"

Thomas Lomax Hunter, of the Times-Dispatch, last Monday said that he "was glad to se our circuit courts are restoring that right (jury service). However, certain fanatical Negro-haters may regard the matter, the Virginia Negroes are Virginia citizens with all the rights of any other citizen." He blames the dry leaders in the State for the elimination of Negroes from juries. "The jury commissioners were always dry men. They put upon the jury lists only dry men, such men as could be confidently relied upon to find accused people guilty."

Would Like to Be Tried by Negro Jury

Mr. Hunter, one of the most brilliant writers in the State and a lawyer and former member of the State Legislature, concludes:

"To the eternal credit of the Negro, be it said, he never became a prohibitionist. Te always opposed the oppression as did the white men who had his friendship and his confidence. He stood fatihful to the ancient traditions. If I ever have to avail myself of the right of trial by jury, I should ask nothing better than to be tried by a jury comprised entirely of Negroes."

Negro Jurors Will Be Popular

The editorial writer of the Times-Dispatch adds his approval to that of many liberal-minded Virginians. "This attitude (the judges' determination to appoint Negro jurors) on their part has elicited approving comment from many sections of the State." Terming the exclusion of Negroes from jury service a "sore spot in the Virginia system of justice," the editor says, "Negroes, after all, are citizens of this State, and as such, they have the right to share the duties and responsibilities of citizens. There is no better time than the present to cure a sore spot which has brought to Virginia much unfavorable publicity."

Federal Courts Will Use Negroes

It is learned that the United States District Court will inaugurate the use of Negroes on its juries when Judge Way begins the trials at the fall term of the criminal docket here soon.

Juries-1933

Negro Jurors Once Barred In Philadelphia

(EDITOR'S NOTE:—From Virginia to Florida the exclusion of Negroes serving on juries, even where the accused is a Negro, is under attack. The matter has been brought to a focus by the Scottsboro, Alabama, case and the recent decision of Federal Judge Lowell in refusing to extradite a Negro to Virginia because no Negroes would be called for jury service. It is interesting to note that Philadelphia not far back barred Negroes from serving as jurors in murder cases. At our request G. Edward Dickerson, Esq., veteran Negro member of the Philadelphia Bar, has written the following article respecting the right of Negroes to be called for jury service in Southern States.)

By G. EDWARD DICKERSON, Esq.
Member of the Philadelphia Bar

A serious question has arisen with reference to the Scottsboro case, as to whether a colored person should necessarily be one of the 12 men, or women, who sat upon the particular jury which tried that defendant. Many of the States' constitutions contain a clause in the bill of rights, stating: That no man shall "be deprived of life, liberty, or property, unless by judgment of his peers, or the law of the land." This raises a serious question as to who are a man's peers. In common parlance, a man's peer means equal, and this raises another question, whether a Negro should consider a white man his equal, or superior.

For, if the white man is the equal of the Negro, then every Negro tried by a purely white jury is, in fact, tried by a jury of his peers. I, for one, consider myself the equal of any white man, and therefore, a purely white jury could sit on my particular case and render judgment as the jury of my peers. Nevertheless, owing to the particular race prejudice which exists in the South, the white man considers himself the superior of the Negro, and, therefore, in order that a Negro may be convicted by the judgment of his peers, it is necessary that a Negro should be eligible at least to sit upon the grand and petit juries of that particular jurisdiction.

WHAT IS DUE PROCESS OF LAW?

The Constitution of the United States does not go as far as the Constitution of some of the States, for, Article 5 of the Constitution of the United States says, "Nor shall any person.... be deprived of life, liberty, or property, without due process of law." This raises a question: What is due process of law? What is due process of law is one of judicial determination. Of course, there must in most cases be a Judge, Jury, and proper indictment, the right to be heard in one's own defense, and to call witnesses in his favor, and to secure counsel for his defense. Nevertheless, judicial construction of recent years has extended to cases where Negroes are not permitted to sit upon petit and grand juries in a particular county and state, even though legally the state Constitution permits them so to do. It is not what the Negro might do, but what he can actually do, in practice, that makes a trial due process of law.

PHILADELPHIA ONCE BARRED NEGRO JURORS

In the City of Philadelphia, until very recent years, a Negro was not permitted to sit on a first degree case, because the District Attorney would challenge him, and stand him aside, fearing that if the jury were locked up for the night, the Negro would have to sleep in the bed with a white man, when there were six beds for 12 men. It was the privilege of the writer of this article to hammer on this discrimination until a way was found to permit a Negro to sit upon a jury, even though the defendant might be white or colored. Of course, this could be accomplished by having 12 beds in the room, so that a white and colored jury might not occupy the same bed. The attempt was first made to put a second colored man on the jury, so that there would be two colored men to occupy the same bed. This has been all ironed out now in this city. It was not the fault of the law, but the application of the law from which the Negro suffered. In like manner, the State of Alabama theoretically gives the Negro the right to vote, to be drawn upon grand and petit juries, and to serve in any capacity any other man may serve, but in practice the Negro not only does not vote, because he is not permitted to, but is not drawn upon jury duty, even though he does vote. For, the jury list is usually made up by the Judge, or Board of Judges, putting names in the jury wheel and the nthe sheriff turns the wheel and takes out such names as may serve on the jury. It is self evident that if a Negro's name is not put in the jury wheel, a Negro's name will not come out of the jury wheel, and a Negro will not be allowed to serve upon a jury.

SCOTTSBORO BOYS NOT TRIED BY "PEERS"

And, therefore, in the Scottsboro case the contention of the defense that the Negro having been deprived of jury service, the defendants have, therefore, been deprived of a trial by the judgment of their peers, and that it is now too late to go back and put Negroes on the voting list, and have their names drawn for grand and petit juries, and the defendants then tried under these conditions.

Since it is evident from the facts produced at the trial, that the boys are innocent, and that they are being convicted by the great prejudice of the South, the only proper solution of the Scottsboro case is that all of the defendants should be acquitted on the theory that their peers were not allowed to sit upon their juries. This would have the effect of compelling the Southern States to permit the Negro, not only to vote, but to sit upon juries, in order that when a Negro comes before the Court, he may be tried by the judgment of his peers.

Chattanooga, Tenn., Herald
June 9, 1933

NEGRO ACCEPTED FOR JURY DUTY

Gives the Hangers-on Something to Talk About. Judge Lusk Tracks Law and Empanels Juror

The acceptance of a negro on the jury panel in Judge Lusk's court has caused more stir than the forthcoming election on the repeal of the Eighteenth amendment. And the discussion of this hot morsel of news has been heightened by the appearance of still another negro talesman in Judge Miller's court a few days later, though the second prospective colored juryman was not accepted.

Not only is the acceptance of a negro for jury duty unusual, but the very summoning of a negro for jury panel is unusual. Not that negroes are not eligible for jury duty just the same as other citizens, because they are, but simply because it has been the practice for years not to include their names in the jury lists. The jury commissioners have made it a practice in getting up the jury lists to ascertain in advance the race of the prospective jurymen and then to cull out the negroes. As a result, the courts have operated for years without the services of negro jurymen. Where one was accidently included in the list, he was simply excused.

In view of the custom of many years standing, it is perfectly natural, therefore, that the acceptance of a negro for jury duty should excite interest. The fact that he was summoned might have been accidental, but there is nothing accidental about his acceptance. Those inclined to take a fair and impartial view of the matter and to recognize the equality of all citizens under the law that we do we can see no harm whatever in having negroes on the jury. They believe that it is nothing but simple justice to accord the colored man this privilege of citizenship to which he is entitled under the laws of the land just the same as a white man. Moreover, they hold to the belief that such recognition of the colored citizen is a step forward which will ultimately go far toward building up a better racial feeling and even in bringing about a greater degree of justice and a consequent improvement in law observance on the part of the colored race, especially where resentment against the established order of things has perhaps been responsible for a portion of the crime.

Regardless of the law and the fine principle of justice involved, which we fully recognize and appreciate, we do not feel that the custom of so many years standing, which has been nothing short of an evasion of the law, should be set aside and nullified too suddenly. Before according negroes their full share of jury duty, we believe that they should first be given a course of training—an opportunity, as it were—for this service. It is not to be expected that a race which has been denied jury duty for so long could step in and begin to function as jurymen without causing a severe wrench in court procedure and the administration of justice. Prejudices which are now in a fair way to dissipation, would only be revived and inflamed by the spectacle of a white person being tried with negroes on the jury. And the colored jurymen themselves, in order to avoid the suspicion of seeking revenge because of being kept from jury duty for so many years, might lean over backwards the other way and fail to give the measure of service of which they are capable.

Considering all things, it would be our suggestion that as a starter in extending the long overdue privilege of jury service to negroes that they first be accepted for duty in negro cases only; i.e., where the principals at law are negroes. Judge Fleming was the first to advocate such a practice and in taking the position that we do we are but agreeing with the views he set forth about a year ago. In as much as only the higher class of negroes—the property holders and free-holders—would be eligible for jury duty under the law, just the same as in the case of white citizens, jury service of real character would be available and the negroes involved in the toils of the law would have no cause for resentment which some of them now have at being tried in a strictly white man's court.

Moreover, because the better class of negroes regard their citizenship highly and feel the blot which is put upon their race generally as a result of the bad actors, it is believed that as jurymen they would be able to deal out a brand of justice which would do much to wipe out crime and raise the moral tone of the race.

We are for giving the negro the justice to which he is entitled. We are for having him serve on juries. But before granting him the full share to which he is just as much entitled as everybody else, we favor continuing the custom a while longer of not accepting him for jury duty where white men are involved, until he has first had the experience for a few years of serving as a juror in cases involving his own people.

VIRGINIA CALLS NEGRO JURYMAN

Chronicle

Supreme Court Issue Stirs Southerners

6-24-33

Alexandria, Va.—For the first time in the histoary of this city a colored man, Lucius Gaines, has been called as a member of the grand jury. Judge William P. Wools on Monday called Gaines after he had been told by Charles H. Houston, attorney for the N. A. A. C. P., and J. Byron Hopkins of this city, that the question of unconstitutional indictment would be raised if Negroes were excluded from the jury panel in the case about to be tried.

Boston, Mass.

Without waiting for the attorney to file papers, Judge Wools called a new grand jury with a Negro on it. This is the identical point rased by the N. A. A. C. P. in its fight on the attempt of Virginia to extradite George Crawford from Boston to Middleburg, Va. for trial for murder. The N. A. A. C. P. attorneys in the Crawford case contend that Crawford is illegally and unconst itutionally indicted because Negroes were barred from the grand jury which indicted him.

In the case here in Alexandria, a colored man, Lloyd Wade, of New York, is being held for manslaughter arising out of an automobile accident June 4 here in which a white man was killed. Wade's attorneys, Mr. Hopkins and W. Butts of this city consulted with Mr. Houston, who has been active in the Crawford case, and Messrs. Huston and Hopkins obtained from Judge Woolls a statement that he never considered Negroes for jury service. The attorneys then served notice they would raise the constitutional question and the judge acted immediately without waiting for formal legal action.

E. F. Hoffman, clerk of the court, stated that the names of 20 colored persons would be added to the regular jury list within the next few days by the jury commissioners.

Press dispatches reveal that a judge in Chattanooga put a negro on a jury with eleven white men to try a negro burglar. The jury found the negro burglar guilty. What was gained? Was this dangerous entering wedge driven in to show that a negro could find another negro guilty of a crime, or to bow to the whims of that Northern grafting organization of people with white skins who prey on white people and negroes—The Association for the Advancement of the Colored Race?

5 NEGRO VENIREMEN CALLED FOR DUTY, FAIL TO RESPOND

Atlanta Constitution 6-20-33

Names of negro jurors have been drawn nearly every week since organization of Fulton Superior court, but few are served because it is rare that they can be found, it was revealed Monday when five negro veniremen drawn for duty this week in Judge E. D. Thomas' division failed to answer as their names were called.

The official report showed that they were not served with notices to appear as they could not be located by court attaches. When served in a number of cases, negro jurors asked to be excused and were never empaneled with the exception of one who was empaneled but not accepted by either state or defense to sit in trial of a case, it was said.

Huntsville, Ala., Builder
June 9, 1933

Negro Elected For Jury Duty By Judge Lusk

Hawkins First Colored Man to Serve in 40 Years. Recall "Carpet-Bag" Rule

EDITOR'S NOTE:

The Community Builder reproduces below the following news item that appeared in Tuesday's issue of the Chattanooga Times. And this newspaper does not hesitate to state that the precedent set by the trial judge at Chattanooga, in allowing a negro to serve as a juror is going to be the beginning of a bad end.

In the box from which names are drawn to serve as jurors in Madison county, there is not the name of a sinlge negro, and if the jury commission that place names in said box keep their right senses there wil be no need for a single negro name to get into the box from which names are drawn in this county.

Prior to the time the notorious Scottsboro case originated, wherein eight negroes were involved, both the white and colored races got along peacefully throughout the South. The thought was never even advanced about a negro being selected to serve as a juror. However since the money go getters known as the International Labor Defense began to take an active interest in attempting to defend what they claim to be eight innocent negroes an uncalled for increased ill feeling has been aroused among the two races in some sections, and unless something is done to check the activities of the afore stated organization there is no telling what will be the final result. As the Community Builder has said again and again those members of the International Labor Defense had better confine their activities to, and remain north of the Dixie line. The white people of the South have no sympathy for nor time to take up with the International Labor Defense. Article that appeared in Chattanooga paper follows:

CHATTANOOGA, Tenn.—A forty-year precedent, one adhered to since Chattanooga recovered from the "carpet-bag" rule of reconstruction days after the War Between the States, was shattered in the first division of criminal court here yesterday morning when Judge Charles W. Lusk impaneled a Negro on a trial jury.

The first colored juror to serve on a Hamilton county jury in twoscore years is R. C. Hawkins, 516 Chestnut street, a retired mail carrier on a federal pension.

Summoning of Negroes to serve on juries is a rare occurrence and, when it does happen, the Negro veniremen formerly have been excused. Accordingly, a buzz of excitement swept over the crowded courtroom yesterday morning when Judge Lusk, after the clerk had called out Hawkins' name and the colored man had stated to the court his willingness to serve, ordered Hawkins to take a seat in the box with eleven white men.

The first case called for trial before No. 1 jury, on which Hawkins was impaneled, was a burglary case against a Negro, John Williams, and Hawkins was accepted on the jury by both Assistant Attorney-General Fred Ballard and Defense Attorney W. J. Troutt.

Inasmuch as the case invovled a felony, the jury had to be kept together during the noon hour. Jury Officer W. M. Stoner, faced with the problem of providing the jurors with food, instead of taking the jury to a boarding house, as is the custom, had dinners brought to the jurymen in the jury room at the iourthouse.

Williams, who was accused of burglarizing J. A. Pickel's house at 2502 Lvy street of nearly $350 worth of goods was convicted on a receiving and concealing stolen goods count. The jury decided the value of the stolen goods was less than $60, making the case a misdemeanor, and fixed Williams' penalty at eleven months and twenty-nine days in the workhouse.

In the second case called up before No. 1 jury, the defendant was Fred B. Spriggs, a white man, charged with nonsupport. Gen. Ballard excused Hawkins from the panel. An extra juror was substituted and the case went to trial. The case had not been finished at closing time and the jury was respited overnight.

Veteran attorneys here recalled past procedure in instances where Negroes were summoned for court duty. Matt N. Whitaker, former judge and attorney-general, said he began practicing in the Hamilton ciunty courts about forty years ago, just when the practice of impaneling Negroes on juries was dying down. Since that time there have been nc instances of Negroes serving on county juries, the judges allowing them to be excused if they were summoned as veniremen, he said.

The question of Negroes serving on juries has been extremely agitated in the South recently, having been raised by International Labor Defense counsel in the "Scottsboro case" and other radical cases. Federal Judge Lowell, of Massachusetts, recently caused a legal furore by refusing to allow authorities to take a Negro, charged with murder, back to Virginia on the grounds that Negroes were banned from jury service there, the judge holding this exclusion prejudiced chances of fair trial.

Call Race Juror In Va.

FOR FIRST TIME IN HISTORY OF ALEXANDRIA—ATTORNEY HOUSTON WARNED JUDGE HE WOULD RAISE THE CRAWFORD CASE ISSUE

Alexandria, Va., June 22, 1933—For the first time in the history of this city a colored man, Lucius Gaines, has been called as a member of the grand jury Judge William P. Woods on Monday called Gaines, after he had been told by Charles H. Houston, attorney for the National Association for the Advancement of Colored People, and J. Byron Hopkins of this city, that the question of unconstitutional indictment would be raised if Colored were excluded from the jury panel in the case about to be tried.

Guardian 6-24-33 Boston, Mass.

Without waiting for the attorney to file their papers, Judge Woolls called a new grand jury with Colored on it.

In the case here in Alexandria, a colored man, Lloyd Wade, of New York, is being held for manslaughter arising out of an automobile accident June 4 here in which a white man was killed. Wade's attorneys, Mr. Hopkins and W. Butts of this city consulted with Mr. Houston, and Messrs. Houston and Hopkins obtained from Judge Woolls a statement that he never considered Colored for jury service. The attorneys then served notice they would raise the constitutional question and the judge acted immediately without waiting for formal legal action.

E. F. Hoffman, clerk of the court, stated that the names of 20 colored persons would be added to the regular lists within the next few days by the jury commissioners.

Juries - 1933

ALEXANDER BOOSTED FOR "PHILLY" JURIST

Prominent Lawyer Gets Aid for Nomination to Municipal Post

PHILADELPHIA, Pa., July 10. — Raymond Pace Alexander, prominent Philadelphia attorney, has filed a petition for the nomination for Judge of the Municipal Court. He will run under the Democratic and Republican banners.

The John M. Langston Law Club has unanimously endorsed Mr. Alexander. Various organizations are preparing to send to Senator Vare and other leaders of the Republican party petitions urging his nomination and election, and requesting the approval of G. O. P.

A citizens' campaign committee, headed by E. Washington Rhodes, assistant United States attorney and editor of The Philadelphia Tribune, will wage a crusade for Mr. Alexander's election. The movement has the approval of Major R. R. Wright, prominent banker and civic leader, and the Rev. Marshall L. Shepard. Both are vice-chairmen of the committee. Mr. Alexander is a graduate of the University of Pennsylvania and of the Harvard Law School. He also studied at Columbia University.

NEW YORK TIMES

AUG 10 1933

RICHMOND GRAND JURY WILL INCLUDE NEGROES

Judges of Criminal Court Decide to Resume Custom Abandoned 30 Years Ago.

Special to THE NEW YORK TIMES.

RICHMOND, Va., Aug. 9.—Richmond negroes will serve on grand juries at the October term of the Criminal Court, Judges John L. Ingram and Ernest Howells announced today.

The decision to resume the custom abandoned thirty years ago was reached by the two judges in a discussion of the case of George Crawford, a negro, accused of murdering a white woman in Loudoun County. His extradition from Massachusetts has been fought on the ground that the county did not permit negroes to serve on juries.

Federal Judge Lowell of Boston attempted to free Crawford on the technical grounds that a "fair" trial could not be obtained in Virginia, but the Circuit Court of Appeals overruled him and the case is now before the Supreme Court at Washington.

Representative Howard W. Smith of the Eighth Virginia District, where the murder occurred, procured impeachment proceedings against Judge Lowell.

Richmond petit juries have been drawn by jury commissioners for the year, so that negroes will not participate in the trial of cases. The judges draw the grand juries and the action today assures that negroes will serve on the grand jury here at the next term of court.

RICHMOND, VA.
TIMES DISPATCH
AUG 10 1933

Negroes on Grand Jury

RICHMONDERS and Virginians generally, we believe, will applaud the determination of JUDGES JOHN L. INGRAM and ERNEST H. WELLS to place the names of Negroes on grand jury lists. It is a step forward which bespeaks the proper spirit.

There is no sound reason why the Negroes of Richmond should not participate in the administration of justice. They are full-fledged citizens of the community, and, as such, have an inherent right to have a hand in the direction of its affairs. They share in the formulation of governmental policies; by what course of reasoning should they be denied a place in the administration of laws under which they, as citizens, live?

Richmond has a large Negro population, yet there has never been the slightest friction between them and the white population. They have dwelt together all these years in peace and friendship. The Negroes, as a whole, have proved themselves to be good, law-abiding citizens, ready at all times to do their part in the advancement of the community. The cause of government will not have suffered by reason of their participation in it.

In the case of GEORGE CRAWFORD, whose extradition from Massachusetts to Virginia, to answer a charge of murder, was denied by a Federal judge on the ground that Negroes did not serve on juries in Loudoun, although the legality of such service was never questioned, precipitated the question of doubt as to the validity of trials under this system. That doubt should be swept away, and JUDGES INGRAM and WELLS are taking the lead in that movement.

RICHMOND, VA.
NEWS LEADER
AUG 9 1933

NEGROES ON GRAND JURIES.

The decision of Judges WELLS and INGRAM to include Negroes on the grand juries, beginning with the September terms of the courts, reflects common prudence not less than common justice. Before the Crawford case is finally settled, the validity of many sentences passed on Negroes may be brought into question. That cannot be remedied now, but like risks can be avoided for the future.

It will only be a matter of time before Negroes will also be drawn for the petit juries. There are none on the present jury list, which the commissioners make out for a year at the time; but on the next list, it will be wise and, indeed, may be necessary to include some Negroes. If they are not desired on juries, they can be challenged; but in many cases we see no reason why the right of challenge should be exercised. As a part of the education of Negroes in citizenship, we should like to see a full Negro jury sit on the case of a Negro indicted for some serious crime. Perhaps the action of such a jury would be helpful in every way. There often is too much of a disposition on the part of white juries not to take Negro cases seriously. Homicides, in particular, are sometimes punished so lightly that lawlessness is encouraged.

Brooklyn, N. Y. Eagle

AUG 12 1933

Negro Jurors in Richmond.

A sequel of the controversy over the case of George Crawford, a Negro indicted for murder in Virginia, is the decision of the two criminal court judges in Richmond to have Negroes called for the Grand Jury and eventually for petit jury service. This breaks a precedent of thirty years. Custom, not law, has kept Negroes out of the jury box in the Old Dominion.

Judge Lowell in Boston ordered the freeing of Crawford on the ground that, as there were no Negroes on Virginia juries, no fair trial was possible. The United States Circuit Court of Appeals reversed this decision, but granted a stay to let the Supreme Court of the United States pass with finality on the broad issue involved. Then a Virginia member of the House of Representatives moved for the impeachment of Judge Lowell, but got little encouragement even from fellow Democrats.

It is safe to say that the venerable justices of the court of last resort in Washington will heave sighs of relief over the changed situation in Virginia. In the Scottsboro cases though the Negro-juror issue was raised it was not passed upon. It looked for a time as though the Crawford case would compel a yes-or-no decision. Now, with Virginia providing for Negroes in the jury box, no such embarrassment is likely to develop.

Philadelphia, Pa., Democrat
July 21, 1933

NEGRO JURORS

We see from news dispatches where Tom Carraway, coast negro, under sentence of death for an alleged attack on a white woman, has appealed his case to Federal Court, charging that the Mississippi jury system violates the Fourteenth Amendment because no negroes were on the panel that tried him.

A few such appeals have been taken before in other state, but we believe this is the first case of which we have any recollection that has been appealed in Mississippi by Mississippi attorneys.

We grant, of course, that the law gives such right of appeal. For that, we have no criticism.

The attorneys, also, are within the law in taking such an appeal.

But this thought strikes us somewhat forcibly:

If a negro is convicted by a white jury, and he thinks that he has not received justice, and immediately appeals in order to try to force a negro on the jury, doesn't it look as if he is looking to the negro juror to free him, which would also be an injustice, if the facts did not warrant?

In other words, he is more interested in acquittal than he is in justice.

He thinks more of who is on the jury than he does of the facts and the law of the case.

And it is this very thing that has spelled so much havoc with the American system of jurisprudence.

It is one of the reasons for the increase of crime in America.

RALEIGH, N. C.
TIMES

AUG 15 1933

NEGROES ON SOUTHERN JURIES

The announcement of two Richmond judges, John L. Ingram and Ernest H. Wells, that "representative" Negroes will be summoned for service on the grand juries of two Hustings Courts in Richmond, beginning with the October term, is accompanied by the statement that "it is understood that Judges Ingram and Wells decided to take this step as a result of the agitation over the failure of Southern courts to call Negroes for jury service."

The explanation is hardly necessary. Although Negroes have done jury service here and there in the South the recent experiments with Negro jurymen in various parts of the South were not begun by chance. They came as a direct result of the agitation resulting from two cases, the Scottsboro case in Alabama, and the Crawford case, in Virginia and Massachusetts, both cases raising the question of the reconcilability of Negro exclusion with constitutional sanctions.

The change, we think, is significant. Legally, the right of properly qualified Negroes to serve on juries has been definitely determined by the Supreme Court of the United States. Practically, there can not be many informed Negroes who are not familiar with the difficulties of throwing jury service open to members of their race suddenly and in all cases. But that is far from saying they should be excluded as much as they have been in recent years. The approach will necessarily be slow and at times probably painful. The change is, however, as nearly certain as anything can be in the future. Both races have, therefore, a serious obligation to see that the first steps are wisely taken and that sufficient precautions will safeguard an experiment which, if wisely managed, should play an important part in the evolution of justice. Judges Ingram and Wells deserve congratulations for leading the way.—(Norfolk Virginian-Pilot.)

OSWEGO, N. Y.
PALLADIUM-TIMES

AUG 15 1933

VIEWPOINTS OF OTHER EDITORS

NEGRO JURORS IN RICHMOND

(Brooklyn Eagle)

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NORFOLK, VA.
VIRGINIAN-PILOT

AUG 12 1933

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Richmond Bureau
504 N. Third St.

RICHMOND, Va.—Henrico Circuit Court here, presided over by Judge Julien Gunn, has always had one Negro on the grand jury lists according to information given the Journal and Guide by the deputy clerk of that court.

The clerk asserted that, in his opinion this practice would continue in the future. He said he could not state positively, due to the fact that the judge of the court and the clerk of the court were out of the city on vacation, but that he had received no information to the effect that the number of Negro citizens to serve on the grand juries would be increased. He stated, however, that the list for the October term would not be drawn until just before the beginning of the term. The jury list for the October term of Hustings Court, presided over by Judge John L. Ingram, has already been drawn, and was seen in the clerk's office Monday morning of this week.

No Negroes have been known to actually serve on either grand or petit juries here since the adoption of the Underwood constitution, though they are said to have been included in the petit jury lists previous to the adoption of the commissioner system of jury selection in 1922. Judges Witt and Richardson, former judges of Hustings Court, are said to have called Negro citizens on their venires almost invariably, but they usually promptly scratched by attorneys.

Judges of the two Law and Equity courts were out of the city on vacation and could not be reached for statements. Clerk R. O. Saville, of Chancery Court, stated that juries were seldom used in that court—probably once in five years, he said. Mr. Saville said he could not speak for the judge of the court, but he was positive that in any case where interested parties asked for Negro members on a jury, the judge would gladly oblige them. (Juries are only called in chancery cases where a will is contested, according to the clerk, and at such times they are selected by the judge of the court, the chancery court juries not being subject to call by jury comissioners.

Negroes Selected

The clerk of the City Circuit Court, presided over by Judge Julien Gunn, declared that as far as he knew, no arrangements had been made for calling Negro citizens for grand jury duty, or other jury service in hat court, and pointed out that the only cases tried in that court where jurors were used were cases of convicts. He stated that Judge Gunn, who is away on vacation, had not made up his list for the October term.

The names of Emmett C. Burke, A. W. Holmes, John H. Braxton, John B. Neblett appear among the eight or ten names of colored citizens selected for jury service during the 1933-34 term of Hustings Court, part of which presided over by Judge Ingram.

Negro For Grand Jury

Savannah Tribune
Savannah, Ga.

First Time Race Has Been Considered

6-22-33

FOR THIS SERVICE

In the History of Alexandria

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Juries - 1933

NEGROES SHOULD BE ON JURIES

Ogden 10-13-33

With Virginia calling Negroes for jury service, another step toward equality before the law is being forced on southern states. Cases wherein Negroes had been convicted in that state, but were given a new trial on appeal to the U. S. Supreme Court have brought about this change. The point which led the Supreme Court to hold against the Virginia court is the same one decided long ago, namely, that a jury panel is not legal where Negroes are barred by any device whatsoever.

Social science and every day experience agree that persons can best judge others where their backgrounds are the same. For that reason, in a judicial system like ours where it is necessary to prove criminal intent in order to conviet, Negroes should always have been used as jurymen where there was a Negro defendant.

At the same time because our system gives such large powers to the jury, it is not fair to bar from it all those who might look at the defendant with friendly eyes, and fill it with those who by custom are prone to be prejudiced against him.

Jury service for Negroes was a matter which southern states once thought they could take up in the sweet bye and bye. The southern states wanted convictions, not justice. They got what they wanted by confining jury service to whites. They did not have to be unjust intentionally. Because they interpreted a Negro's motives by what they would have meant had they committed his acts, such juries would be more likely to convict than if they could see with the Negro's eyes. Yet these same states are maintaining special courts for juveniles, because they admit children are to be judged by what they know. Other states east and north give special attention to the family.

Negroes ought to be on all juries. In saying that, we do not ask that they be sympathetic and lessen the severity of the law's vengeance. Juries do save some defendants. Lawyers know that and are very keen about picking the right types of jurymen to suit their clients' cases. If we were soft-hearted toward our own, we would have plenty of examples to go by.

It used to be said with perfect truthfulness that "You can not convict a million dollars." It is still true that a woman, of fashionable appearance and appealing presence can get away with murder. Equally it is true that any Negro who is acquitted must be without the least fault so certain are the law's agencies to punish him if possible.

Our thought is that the courts are to dispense justice. It is not justice to try a Negro, interpreting his acts by a standard of which he knows little or nothing. Another Negro, similar in background, similar in outlook, is best fitted to pass upon his motives, and motives are important in judging whether or not an act is a crime.

Many a Negro has been convicted of crime when he was blameless in intent. A generation ago, that Negro, Charles, who killed and killed until he himself was shot down, had done nothing at all, except brush against a white pedestrian. But because that act was wrong in the eyes of white people who administered the law, New Orleans was bathed in blood when he resisted arrest. Had it not been for all-white juries, chosen to maintain a system, southern prisons would not be full of Negro men and women. At the same time, had these same juries had the help of Negro members, many a Negro who was really criminal, but who could act the innocent, would have been caught and the public saved from his further depredations.

Any system, deliberately unjust errs twice. It is harsh and it is blind. It hurts on the forward stroke and on the return. The South did not voluntarily set its jury system in order. It will be slow complying with the known decision of the highest court. But in the end it will grow into compliance with the law.

Brilliant Attorney In Dramatic Role As He Calls Virginia Judge To Account For His Action In Excluding Negroes From Jury

George Crawford Will Have Colored Jurors On Trial Panel Despite Denial Of Motion To Quash His Indictment

Planet 11-11-33 - Richmond, Va.

Leesburg, Va., Nov. 7.—Judge McLemore sitting in the hearing here to quash the Crawford indictment charging murder of two white women here in 1932, ruled against the motion of Attorney Charles H. Houston for the quashing of the indictment and also denied a writ in abatement. Judge McLemore stated that he did not believe that Judge Alexander who sat in the grand jury proceedings during which George Crawford was indicted, did not exclude Negroes from the panel because of race and color, as charged by Mr. Houston.

The judge indicated though that the State of Virginia would care for this situation in the future conduct of cases in this State in a manner that would be just to both races. The implication is plai nthat Virginia will adopt a new policy in administering the drawing of jury panels and that Negroes would hereafter be summoned for jury service in the circuit courts of this State. It is further indicated that at least two Loudour county colored men will be called for the petit jury panel which will try Crawford on December 12.

(For a full account of the proceedings in this case read The Planet's account on page 3.)

Henderson, N. C. Dispatch
November 6, 1933

Negroes Not On Grand Jury For Virginia Trial

Leesburg, Va. Nov. 6.—(AP)—Judge J. R. H. Alexander testified today in circuit court that in picking the list of names for a grand jury which indicted George Crawford, Negro, for the slaying of two white women, he had not considered placing Negroes on the list.

Alexander was the first witness called on the motion of defense counsel to qush the indictment on the grounds that the Negro was discriminated against because members of his race were not permitted to serve on grand juries.

The hearing was before Judge James L. McElmore of Suffolk, named by Governor Pollard to hear the case since Judge Alexander was called as a witness by both sides.

Three Colored Men On Shawnee Jury

Plaindealer 11-10-33 Kansas City, Kans.

Topeka, Kan. Although Kansas has long been known as a state of "equal rights," something unusual was noticed last Tuesday when three race men served on a criminal jury in the second division of the Shawnee District court. This is the fall term and the three were on the jury docket selected to try criminal cases in Judge Paul H. Heinz's division.

The particular case being tried was the State of Kansas vs. E. B. Douglass. Douglass is charged with defrauding the state highway department out of several thousand dollars through faked claims for refunds on road improvements. The case is drawing considerable public attention because it is believed hundreds of dollars have been lost by the state in this manner. Witnesses for the state highway department were brought here at considerable state expense all the way from Michigan, Illinois, Missouri, Colorado and distant Kansas points.

The three Negroes on the jury were Clay Odell a retired mail carrier; Al Payne and O. Bryant

Crawford Case Called Test of Negro Service on Juries

Unless Funds Are Raised to Carry on Fight, All Gains May Be Lost Throughout the South, Defense Counsel Houston Declares

To the general public the George Crawford case may be only a colored man on trial for murdering two white women, but to lawyers and students of Negro rights, it is the most important legal fight for constitutional rights and justice in the courts that has come up in recent years.

Charles H. Houston, of the N.A.A.C.P. legal committee, chief defense counsel for Crawford, declared this week that unless the Crawford case won on the jury issue, all the gains in recent years as far as Negroes serving on juries may be lost.

Dangerous Stand

Virginia has started calling Negroes for jury service, but in the Crawford case, in ruling on the indictment of the defendant by a lily-white jury, the state took a reactionaly stand, Mr. Houston said.

The state's actions are fair, but its ruling on the Crawford indictment is a dangerous technical legal stand, which, if established firmly in the law without successful challenge, may give the state the right in the future to ignore Negroes altogether in jury service.

For Appeal Basis

Mr. Houston, while praising the fair and impartial treatment at the hearing in Loudoun county, was disappointed in the ruling of the court that the indictment of Crawford was valid even if Negroes were ignored in calling the grand jury. He took exception to this point and it will form the basis of an appeal.

Not a Constitutional Bar

The court found the exclusion of Negroes, that there were qualified Negroes, that there was a caste system; but refused to find that Negroes had been excluded solely on account of race on the ground that to exclude, one had to bear in mind and consider, to pass judgment upon; and that since Judge Alexander did not consider Negroes in selecting the grand jury, did not have Negroes in mind, he did not work a constitutional discrimination, although uniformly he had selected white men only.

The N.A.A.C.P. already has spent $1,503.44 on the Crawford case from the beginning in Boston until now. The fight against extradition in Boston which went up to the U. S. Supreme Court cost $740.25, on which $364 is still to be paid. Counsel served without fee. To date in Virginia $763.19 has been spent and more needed daily.

COMMENTS ON WHAT OTHER EDITORS SAY

The *Norfolk Journal and Guide* replies to the charge made by the white commonwealth's attorney of Loudoun County, Va., that there were no Negroes in the county qualified for jury duty with the following editorial:

There are, according to the testimony of reputable citizens, colored men living in Loudoun County who own property, who are qualified to vote, who have had educational advantages above the average and who enjoy the respect and confidence of their neighbors, white and black.

The judge of the Circuit court of the county admitted that in making up his grand jury lists he had not considered these citizens at all. The state, through Commonwealth's Attorney Galleher, contended that there are no Negroes in Loudoun County qualified to serve as grand jurors.

The question raised is this: When is a Negro qualified to serve as a juror? Having met all the statutory requirements it would appear that there would be no other requirements to meet. But, of course, there is the question of color. The state undertakes to make it a question of character in order to evade the question of color. We will see, in due course, what the U. S. Supreme Court has to say about it. And, it appears that public opinion already anticipates what the higher court will say, and is ready for it.

Many whites who serve on juries in the South are just as ignorant and in many cases just as poor as the Negro prisoners whose cases they sit in judgement on.

The *Washington Tribune* gives another possible reason for the recent epidemic of lynchings on Maryland's Eastern Shore. A recent editorial in *The Tribune* read in part as follows:

Elsewhere in these columns is carried a summary of the homes and farms owned by Negroes in the Eastern Shore of Maryland, where at Princess Anne there was a recent lynching. Three lynchings have taken place in this section in the past twenty years.

In studying the facts we find two very significant conditions existing in this section of Maryland. Striking indeed is the fact that the Negroes in this section are the most prosperous in the entire state of Maryland and equal to any group of our people in the United States. And even more striking is the fact that the four counties comprising this section have the highest percentage of illiteracy among the native whites than anywhere else in the state of Maryland.

In the light of these facts could it not be assumed that these jealous, envious whites, engage in this form of terrorism (lynching) to drive from these fertile lands and prosperous farms and beautiful homes and excellent fishing shores these owners; and so discourage and intimidate the sons and daughters of these substantial citizens as to cause them to leave the section in order to live in an atmosphere of greater protection with a greater degree of happiness?

This policy on the part of ignorant whites is nothing new. All our city race riots, from Atlanta to Chicago, had back of them the purpose and hope of stopping the spread of Negro property, ownership and occupation in sections where they were not wanted by the poor whites.

Trivial and minor excuses and pretences were given in each case for the attacks on the part of the whites who precipitated these awful riots with their terrible bloodsheding. But behind it all were envy, jealousy and a greed to have that which the Negro through sacrifice and thrift had acquired.

We agree that the underlying cause of most racial outbreaks in this country is jealousy, envy and hatred. The mob not only "avenges" one crime but it also gets even with all in the vicinity who dared be manly and progressive whenever those persons happened to be members of the Negro race.

ALL-NEGRO JURY NAMED BY CORONER

For the second time in the history of St. Louis, the City will have an all-colored coroner's jury when the panel of six men begin their week's duties in the coroner's court next Monday. Both of the juries were appointed by Coroner Frank P. Furlong, the first jury having served April 1-7, 1933.

Keeps Pledge

Mr. Furlong told an Argus reporter that he was endeavoring to live up to his pledge to the Negro voters of St. Louis, to give them a square deal. He said that he had found Negroes capable jurors and that he had frequently used them with white jurors, as well as in a body.

Those who will serve on the coroner's jury next week are: J. O. Mitchell, 2942 Bell avenue; W. H. Jackson, 3916 Lucas avenue; Caesar Tyler, 1126 Whittier avenue; McKinley Rowan, 4114a Cook avenue; William Moore, 3033 Lawton avenue and John Vest, 2930 Washington avenue.

New York American

NOV 17 19

Negro Heads Virginia Jury of White Men

NORFOLK, Va., Nov. 16 (AP).—W. T. Mason, a Negro, was foreman of a jury composed otherwise of white men, which acquitted James Shields, Negro, of a charge of using the mails to defraud.

Mason is the first Negro to serve on a jury in this section in decades.

NEW YORK [redacted] WORLD-Telegram

NOV 16 1933

NEGRO JURORS IN NORFOLK.

By the Associated Press.

NORFOLK, Nov. 16.—W. T. Mason, a negro, was foreman of the jury of eleven white men and a negro, which yesterday acquitted James Shields, negro, of a charge of using the mails to defraud. Mason is the first negro to serve on a jury in this section in decades.

NEGRO JURY FOREMAN IN VIRGINIA

After two generations Virginia has had a jury on which a Negro served. More remarkable still this Negro juryman was picked as foreman.

It would seem that the eleven white men on this jury, awakened to the legal equality required by law between the races, sought to make amends for the past because only by their voluntary action could the foreman be elected.

Virginia has been known for its gallantry, an inheritance from the days when the niceties of human relations found within its borders its finest exemplars. This action of a Virginia jury smacks of the old times.

Mixed Juries

IF THE administrators of law in the South still believe there is an inherent evil in the use of Negroes on grand and petit juries, let them look to Norfolk for a clear and conclusive rebuttal to their argument.

The United States District Court, for its November term here, called two Negroes for the grand jury, and two for petit jury service. Previously, this recognition had not been accorded the race, even in the Federal court, in Norfolk for five or six years.

But something peculiarly significant occurred last Wednesday when Mr. W. T. MASON, a well known citizen and one of our most progressive business men, was chosen by his eleven white fellow jurymen to be foreman of the petit or trial—jury.

Manifestly, those whites serving with Mr. MASON certainly had no objection to mixed juries. On the other hand, by their singular recognition they have indicated that the inclusion of Negroes on Southern juries can and does produce a better administration of justice.

Mr. MASON has been honored, an age-old bugaboo has been thrown aside, and the cause of amicable race relations in our community has received a new impetus.

Juries-1933

TWO NEGROES SWORN IN AS JURORS IN CRIMINAL DIVISION OF FULTON COUNTY COURT

JOHN MEATES AND ALEX CARTER NAMED FOLLOWING ATTACK OF TWO COLORED LAWYERS UPON SYSTEM

First Time Negroes Are Used It Is Said Since Year of 1862

ATLANTA, Ga., Jan. 8.—(By Cliff Mackay for ANP)—Another step forward toward the race receiving its full civic rights in the state of georgia, was made with the swearing in this week of two Negroes as jurors in the criminal division of Fulton superior court. It is said to be the first time that Negroes have sat on juries in Georgia since 1862.

Credit for the naming of the two men, John Meates, of 879 Coleman street, a fireman for the Southern Railway, and Alex Carter, 105 Chickamaw avenue, owner of a transfer company, was given John Geer and B. J. Davis, Jr., two Negro attorneys, who two weeks ago in a habeas corpus hearing on Angelo Herndon, alleged Communist, launched a villifying attack on Georgia's systematic exclusion of Negroes from both petite and grand juries.

At that time oi cross examination by Mr. Davis, J. W. Simmons, white, clerk of the Fulton superior court, admitted that "to his knowledge no Negroes had served on any juries in Fulton county," tho one-third of the county's population is Negro.

The naming of Meates and Carter, was seen by the two attorneys as a move to halt their fight on Georgia's jury system at Herndon's trial on January 16. Herndon is being held on a charge of attempting to incite a riot, which is punishable under an old Civil War slavery statute by death.

Herndon last fall led a demonstration of both Negro and white unemployed on the Fulton county commissioner's office after the commissioners had announced that no further funds were available for charity purposes. Following the demonstration ,the commissioners voted to continue giving aid to the poor, but through Solicitor-General John E. Boykin ordered Herndon's arrest on the old Civil War charge.

Meates and Carter, along with ten other white jurors who compose Panel No. 1, during the January term of court, were first sworn in as jurors on a case of larceny after trust against C. Don Miller, a white lawyer, whom it was charged had swindled a colored woman, Mrs. Vinie Moreland, out of $250.

They were struck from the jury by defense counsel.

Atty. Ben Davis, Jr., who is the son of Ben Davis, widely known Georgia Republican leader, and a graduate of Harvard law school, when told of his victory, declared that he and his law partner, John Geer, were by no means through.

"We mean to keep up this fight against the systematic exclusion of citizens from our juries on the basis of color, until names of Negroes are placed in the grand jury box, and not on pink slips either.

"The appointment of these two men, though appearing to be a victory, is nothing but a sham done by the solicitor's office to offset our contention, which we have planned to present in the form of a motion at Herndon's trial on January 16. We still mean to file that motion and another besides, asking the nolle prosse of the indictment because there were no Negroes sitting on the grand jury which returned the true bill."

Negroes Called on Jury in Atlanta Following Struggle of the I. L. D.

ATLANTA, Ga.—For the first time sincve 1872, two Negroes were called to serve on a trial jury in this city, when John Moates, 879 Coleman St., a fireman, and Alex Larter, 105 Chickasaw Ave., the owner of a transfer company, were sworn in with 10 white jurors on panel No. 1, for the Jan. term of court.

The partial victory in the fight of the International Labor Defense to smash the systematic exclusion of Negroes from juries here was won as a direct result of the action of the two I. L. D. Negro attorneys, John H Geer and Benjamin J. Davis, Jr., in their efforts to obtain the release of Angelo Herndon, young Negro organizer of the unemployed. In a hearing on a writ of habeas corpus to force his freedom, they wrung from the Rev. John Hudson, assistant solicitor and prosecutor of Herndon, the admission, on the witness stand, that "Negroes have been systematically excluded from juries in Fulton County for years." J. W. Simmons, white, clerk of Fulton Superior Court, admitted on witness stand that to his knowledge no Negroes had ever served on any jury in Fulton County. The population of the county is one-third Nero.

The two Negro jurors were sworn in to serve in a case of larceny after trust, in which C. Don Miller, a white lawyer, was charged with defrauding a Negro woman, Mrs. Vinie Moreland of $250. Although they had been qualified by the Rev. Hudson, they were struck from the jury by the defense attorney in the case.

"We are not through with this fight," Attorney Davis announced when he was informed of the occurrence. "We mean to keeup up our fight against sysematic exclusion of citizens from our juries on the basis of color until names of Negroes are placed in the Grand Jury Box—not on special ping slips, either. We will keep up our fight until Negroes are called to serve on trial juries—not just called for duty and then dismissed."

Jury Kept Deadlocked By Negro Tales woman In George Green Trial

A jury of ten men and two women were hung late into the night last night deciding the fate of George (Sugarfoot) Green, of 3714 Mt. Vernon st., who was tried in Quarter Sessions Court No. 1, last Tuesday and Wednesday, on a charge of murdering Michael Croskey, 34-year-old detective, who lived at 3942 Powelton ave., on December 7th, last.

Dorothy Grandy

At 3:25 p. m. Wednesday afternoon the jury left the jury box to deliberate after receiving a charge from Judge Eugene V. Allessandroni, presiding judge, which was most favorable to the defendant. An hour and five minutes later the jurors returned to the courtroom and asked the Court for a clearer understanding of the definitions of involuntary manslaughter, voluntary manslaughter and second degree murder.

Unofficially it was learned, late in the night that Dorothy Grandy, the only Negro on the jury and an elderly male member of the jury were tying up the jury by insisting that a voluntary manslaughter verdice be rendered. The other ten members of the jury were said at that time to be in favor of a second degree murder verdict.

All possibility of Green being found guilty of first degree murder was lost the first day of the trial when Assistant District Attorney Charles Gordon told the jurors that the Commonwealth was seeking a second degree verdict.

Leslie Smith and Joseph Graham two youths 14 and 15 years old respectively, who were near the scene of the tragedy, which took place on Sloan st. near Powelton ave., told conflicting stories about seeing Green and Croskey just a few seconds prior to the stabbing.

Neither of the boys, however, saw Croskey strike Green or Green strike the detective.

Green, who took the witness stand Wednesday morning, testified that his ice wagon, which he was driving, accidentally struck the automobile of Croskey, but that he was unaware of it at the time. Croskey after telling him to whoa, he claimed, came to the side of his wagon, grabbed him by the lapel of his coat and dragged him from the wagon.

Croskey, according to Green, then struck him four vicious blows, one of them knocking him to the ground and another making him strike his head against the wheel of the wagon. Green said after the second blow he asked Coskey, "What are you hitting me for?" He received two more blows as an answer.

The defendant then grabbed a screwdriver from his back pocket and struck at Croskey and the latter went towards Powelton avenue shouting. Green said he had no idea Croskey was seriously hurt and got on his wagon and drove off. He roamed from place to place for three days and was planning to give himself up on December 10, when officers raiding a restaurant in West Philadelphia for liquor, found him asleep in the baesment.

William Goins, who was on the ice wagon with Sugarfoot at the time said that Croskey came the wogan and said to Green, "Didn't you hear me tell you to whoa?" Croskey, according to Goins, then grabbed Green and pulled him off the wagon.

Goins then jumped off the wagon but heard Green a few seconds later ask Croskey, "What did you hit me for?" Goins testified that he saw Green then strike at Croskey and the detective start towards Powelton avenue.

The commonwealth tried throughout the trial to prove that Green knew Croskey as a policeman but with little or no success. J. Austin Norris, who represented Sugarfoot Green, endeavored to show the jury that Green only struck Croskey in a move of self defense.

In his address to the jury he showed various discrepancies in the statements of the two young boys as they were made two days after the death of Croskey and at the trial.

Judge Allesandroni stressed upon the jury to allow prejudice to play no part in their decision despite the fact that Green was a member of minority group; neither show prejudice towards the deceased because he was a police officer.

During the selection of the jury Norris challenged more than 15 members of the panel while Assistant District Attorney Gordon challenged but one and that was because the man's hearing was poor. There were but two Negroes on the panel.

'TURN 'EM OUT' WRITS STILL WORK IN W.VA.

Afro-American
2-18-33

No Negroes on Grand Jury, So Lawyer Gets Clients Out.

Baltimore, Md.

5 FREED, COURT CALLS A HALT

Gives State's Attorney Chance to Study Up.

BLUEFIELD, W.Va.—"Turn-'em-out writs" through which James S. Redmond, a lawyer, secured freedom for five clients in the October, 1932, term of court, are now being employed in a sixth case.

Mr. Redmond's method of getting indictments quashed is to file a plea of abatement charging that Negroes are excluded from the grand jury of Mercer County solely on the ground of race and color.

Gets Inquiries

Since news of Mr. Redmond's success was printed in the AFRO of December 10, 1932, he has received inquiries from other states concerning the "turn-'em-out writs" and how to make use of them.

The result of Mr. Redmond's success in getting off his clients wholesale, whether they were guilty or innocent, led the court to order the jury commissioners to prepare new lists for grand and petit service.

When the grand jury met for the January, 1933, term, it assured itself that the names of colored persons were in the jury box before indicting Horace W. Neadons for maiming a white man. Neadons was arrested and his bond set at $1,000.

Neadons employed Mr. Redmond who immediately filed a plea of abatement (turn-'em-out writ) on the ground that although there are 7,000 Negroes in the county and 2,000 registered voters, none is on the grand jury. He also attaiked the status of the jury commissioner.

Mr. Redmond said:

"No colored citizens have been called for jury service as yet; it is claimed, however, that the names of certain colored citizens are in the grand jury box. I will not be satisfied with them being in there; they must come out some time before long."

The State announced ready for trial, but later moved the court for a continuance. Mr. Redmond insisted on a trial; Judge John M. McGrath, the newly elected judge, stated that the plea contained matters of a serious nature, and that the prosecuting attorney's affice should have reasonable time to look into the matter, and prepare a defense; a continuance was granted the State; the case was set for trial on April 18, 1933, and the bond cut to $500 and Meadows was released

Jury Commissioner

W. M. Poston was appointed a jury commissioner on July 13, 1932 By statute, in this State, all law orders must be written in a book kept for that purpose, and read in open court on the next succeeding court day, after being corrected, signed by the judge or presiding officer, before any other business shall be transacted. The order appointing W. M. Poston was not read in open court the next succeeding court day, nor has it ever been read in open court, and it was not signed by the judge or presiding officer, and that particular judge has since departed this life.

By another statute a jury commissioner is not allowed to perform the duties of that office until the first day of June next after his appointment. Therefore Poston was prohibited from performing such duties until the first day of June 1933. Under a decision of the Supreme Court of the Ctate, the retiring commissioner could have held over until such time as Poston could have lawfully performed the duties of his office, or a special jury commissioner could have been appointed for such period.

The point is, the term of the former commissioner expired before W M. Poston was appointed. In other words, if it was intended that Poston should perform the duties of a jury commission beginning with July, 1932, he should have been appointed prior to June 1, 1932.

For Poston's work to be declared null and void, may mean that the county will be put to a large extra expense, having this work corrected and possibly, many of those indicted turned free without trials.

JAMAICA N Y. PRESS
MARCH 1, 1933

Negroes Se[illegible] Jury Color-Line

Jamaica Branch, National Association for the Advancement of Colored People, went on record last night in favor of placing colored voters on Queens jury panels.

Dr. C. M. Reid, president of the group, said that a color-line existed which excludes Negroes from jury service.

Dr. George C. Carter, a speaker at the meeting, held at Lebanon Hall, Jamaica, praised local colored people for maintaining the values of their real estate holdings.

ALL-NEGRO JURY NAMED

Chicago Tribune
3-31-33

Group is Named; Hear All Cases During Week of April 1st Through April 7th

St. Louis, Mo.

Announcement was made Thursday by Coroner Frank [illegible] long of the appointment of an all-Negro Coroner's jury to serve the week of April 1st through April 7th. It is the first city of the country of a population of over 100,000 persons ever known to have a solid colored jury named for its Coroner's court.

Appreciates Support.

Coroner Furlong's selection of the Negro jury followed a recent wild rumor that he had discharged the colored janitor in the Coroner's building and replaced him with a white man, which proved groundless. The former Deputy Coroner stated that he intended to keep his faith with the colored citizens who helped to elect him last fall.

Following his election the Coroner appointed Dr. O. S. McClellan, Assistant Coroner's Physician and William C. McDowell Assistant City Undertaker. Dr. McClellan was the first member of his race to be named to the office he fills. Coroner Furlong also has a colored messenger and he had previously placed one or two colored men on Coroner's juries for the first time here.

Members Of Jury.

Those who will serve on the all-Negro jury are Rev. H. Clay Maxwell, 2608 N. Whittier; Elmer Bankson, 3014 Semple Ave.; John Poe, 1347 N. Garrison Ave.; Charles Williams, 920 N. 22nd St.; William Hood, 2623 Market Pl., and John Blue, Jr., 12 N. Cardinal. They will hear all cases, both colored and white, that come before the Coroner's court April 1-7.

Negroes On Juries

4-6-33
Richmond Planet

Alabama is not the only State in the Union which "habitually" bars Negroes from jury service. The extradition of George Crawford from Boston to Loudoun county to stand trial for murder is being contested largely upon the ground that Virginia follows this practice religiously.

Certainly there is no contention which can be maintained that there are no Negroes in this city qualified for jury service, yet none are called. No other conclusion can be drawn from the circumstances other than that their color unfits them, and that this is just one of the many species of discrimination of which they are the victims in the State which gave the world Thomas Jefferson, George Mason and Woodrow Wilson.

North Carolina Negro Indictment Raises Jury Question

4-18-33

DURHAM, N. C., April 17.—(AP)—Judge M. V. Barnhill, acting on the petition of negro attorneys, today ordered Durham County authorities to appear before him to testify whether names of negroes were placed in the grand and petit jury boxes along with those of white men.

The negro attorneys were acting for James Tucker, negro, charged with second degree murder of Charles Brooks, white, who was killed during a riot at the Durham County Home Dec. 5, 1932.

In addition to this petition, the attorneys also entered a motion that the indictment be set aside on the ground that negroes were barred from the grand jury.

The question, lawyers here said, was similar to that raised in Alabama at the start of the "Scottsboro" trials.

EIGHT COUNTY JURORS NAMED

Baltimore Sun
4-1-33

ANNAPOLIS, — Eight of forty-eight jurors drawn for the April term of Circuit Court, Anne Arundel, [illegible] colored.

They are: Joseph Burley Chadwick, Davis, Israel Oliver, Richard E. Tyler, Melvin Anderson, Percy Williams, Clarence Douglass, Wiley H. Bates.

Mr. Bates served on a jury fifteen years ago. Since then all juries have been lily-white.

The Euel Lee case led the Court of Appeals to require inclusion of the names of colored persons in the Maryland jury boxes and Judge Nicholas Gren put in the names of two or three colored persons in each county district.

N. Y. Negro Jurist Ranks High In Daily's Report

Afro-American Newspapers
4-29-33

Minneapolis Spokesman

MUNICIPAL COURT PROBE SHOWS JUDGE TONEY RANKS HIGH

New York, Mar. 24—An unofficial examination into the records of municipal court judges in New York City being made by the World-Telegram, shows New York's two colored judges, Charles E. Toney and James S. Watson rank high on the list as to ability. A recent report shows that Judge Toney had not a single case appealed in a recent batch of ninety-two cases carried up to a high court. He was the only municipal judge from whose court no appeal was taken in this group of cases.

THE NEGRO AS A JUROR.

Cleveland Gazette
4-29-33

The right of the Negro to sit as a juror in the South bids fair to become a live issue with many ramifications. In granting a writ of habeas corpus to George Crawford for whom Governor Ely of Massachusetts had issued an extradition at the request of the Governor of Virginia, Judge James A. Lowell in the Federal District Court, Boston, challenged the procedure of the Southern States in excluding Negroes from jury service.

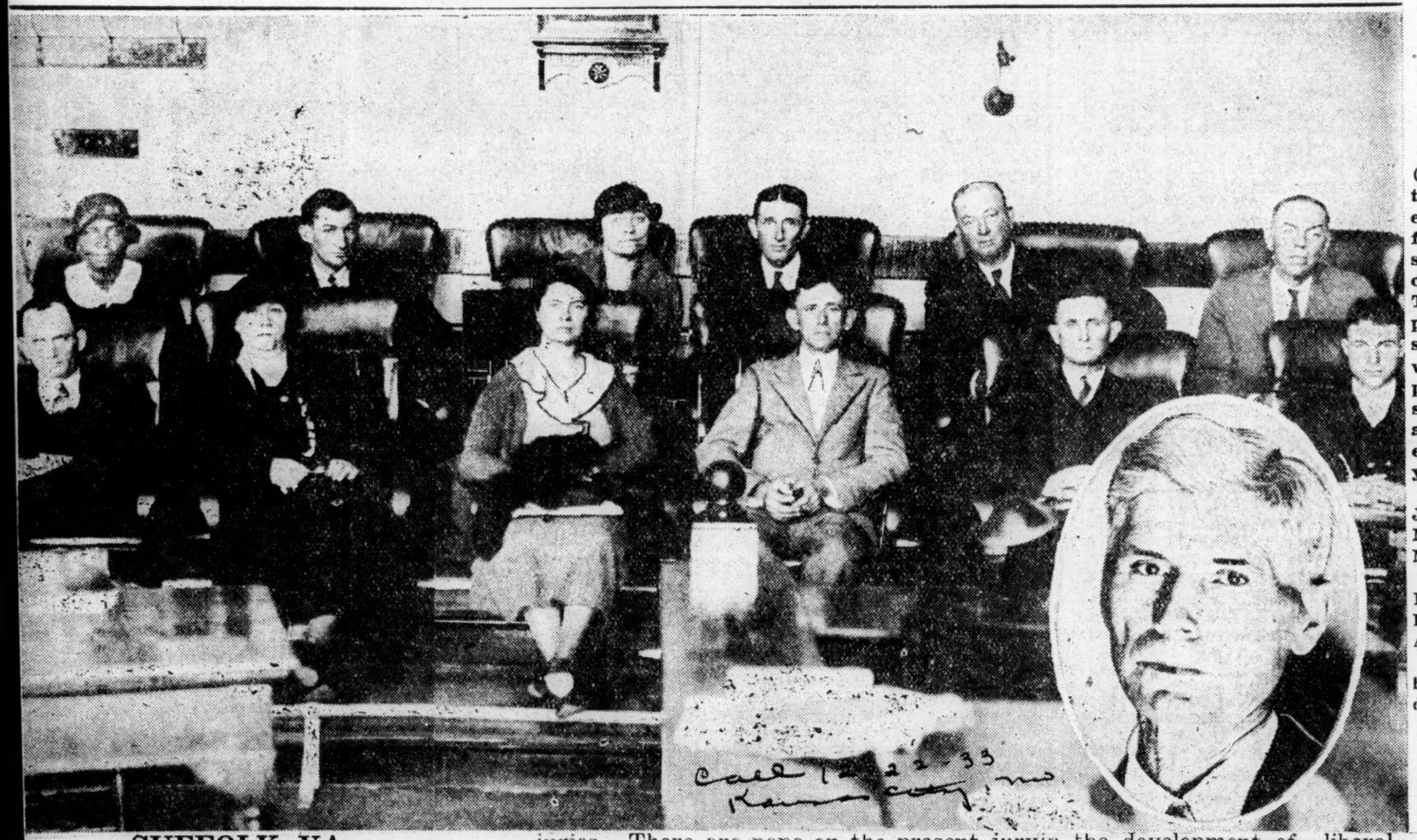
New York Age
4-29-33

Judge Lowell held that even if the extradition were allowed and the accused convicted, the verdict would be voided by the Supreme Court; that "the whole thing is wrong, and it goes against my Yankee common sense to have a case go on trial for two or three years and then have the whole thing thrown out by the Supreme Court."

The Good Boys are trying Alabama's jury system instead of Alabama criminals. Alabama might as well realize the fact.

Juries—1933

Negro Woman on Finney Jury



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Mrs. Fannie Campbell of Topeka (extreme left, back row) is one of the 12 jurors who are hearing the evidence in the Ronald Finney bond forgery case now being tried in the second division of the Shawnee county district court in Topeka. This case, in which Finney, Emporia and Topeka bond broker and speculator, is charged on 60 counts with forging and uttering $30,000 park bonds of the city of Hutchinson, is one of the most important and sensational which has developed in the state of Kansas in many years. 12-22-33

Front row, left to right, David Jones, Mrs. N. E. White, Miss Edna M. Becker, G. W. Larimer, C. L. Milliken and Marvin Davis.

Back row—Mrs. Campbell, P. N. Riley, Mrs. Verle Roseworn, J. C. David, A. F. Baughman and Henry A. Fiker.

Insert shows J. H. Quinn, jury bailiff for the court who is custodian for the jury during the trial.

★ ★ ★

SUFFOLK, VA.
NEWS HERALD

AUG 11 1933

IN THE MARCH OF TIME

Yesterday the editor of The News Leader, commenting on the action of Richmond judges who have stated publicly that when they make up the list of grand jurors for the October term of court, they will include "representative" Negroes among the number, says their decision represents common prudence not less than common justice. It continues: "Before the Crawford case is finally settled, the validity of many sentences passed on Negroes may be brought into question. That cannot be remedied now, but like risks can be avoided for the future." The Richmond newspaper concludes its comment as follows:

"It will only be a matter of time before Negroes will also be drawn for the petit juries. There are none on the present jury list, which the commissioners make out for a year at the time; but on the next list, it will be wise and, indeed, may be necessary to include some Negroes. If they are not desired on juries, they can be challenged; but in many cases we see no reason why the right of challenge should be exercised.

"As a part of the education of Negroes in citizenship, we should like to see a full Negro jury sit on the case of a Negro indicted for some serious crime. Perhaps the action of such a jury would be helpful in every way. There often is too much of a disposition on the part of white juries not to take Negro cases seriously. Homicides, in particular, are sometimes punished so lightly that lawlessness is encouraged."

In the main we are in agreement with The News-Leader. One can see the motive in the action of the Richmond jurists. At the same time it is another demonstration in the development of liberal thought in Virginia. Fate has decreed that the two races shall live side by side and so their social problems are wholly in common. While there is no law against Negroes serving on either grand or petit juries, there is none compelling it. However, the higher courts are sticklers for social and political justice as guaranteed under the federal constitution.

But we cannot see how permitting an entire Negro jury to sit in certain cases trying members of their race would contribute to the black man's "education in citizenship." It would broaden the gulf between the races, and we are not speaking of it in the narrow social sense but in the broader one of common citizenship, and increase race prejudices which are inherent. Race consciousness is desirable until it breeds race hatred. When Negroes years ago served upon juries it was accepted as a matter of course though not relished. Things that cannot be avoided must be accepted in the greater interest of social justice and human progress.

Norfolk Not Ready

IN A JOINT statement issued Tuesday of this week Judge Sargeant and Judge Goode of Corporation Court No. 1 and 2 indicated that for the present at least the grand jury list would not be revised to include any colored members, as is being done in some other parts of the state. 9-23-33

The question of Negro jurors in Virginia courts was dormant until it was brought to the front by a decision in the George Crawford case by Judge James Lowell, of the Federal District Court at Boston. The history of the Crawford case is familiar to readers of the JOURNAL AND GUIDE.

Following the decision of Judge Lowell, which was reversed by the U. S. Circuit Court of Appeals of

Massachusetts and was appealed to the United States Supreme Court, a colored man was called for grand jury service in a case at Alexandria, in which the question of Negro jurors was about to be raised. Later followed an announcement by Judges Wells and Ingrahm of the Richmond Hustings Court that beginning this fall colored men would be called for service on grand juries in their courts.

Recently Judge Frederick W. Coleman, who presides over the Corporation Court of Fredericksburg and the Circuit Courts of Spottsylvania, Stafford, King George, Caroline and Hanover Counties, called Negro jurors for service in two of his courts. He subsequently stated, off the bench, that it would be his policy in future "to select Negroes to serve on juries whenever and wherever it is practical."

The Norfolk judges are quoted as saying that the grand jury list is completed and operating efficiently, and that "there will be no change in its personnel unless it develops that such a change would increase the efficiency of the body or a change is ordered by some higher authority." Which is to say that the Norfolk jurists are not ready to follow where Judges Wells, Ingrahm, and Coleman have led.

The question of according Negroes the right to serve on juries has not been raised in the interest of "efficiency," but in the interest of proper legal procedure with justice and fair play to all as the ultimate objective.

It has been apparent that this return to the use of Negro jurors in our court procedure would come voluntarily as rapidly as local public sentiment supported it. The other way, as in Alexandria, for bringing it to a head is for counsel to raise the question. That way is clearly open to every lawyer who has a client to defend.

Juries - 1933

Jury Foreman

—Photo by International Newsreel.

W. T. MASON

Manager of an insurance agency in Norfolk, who was the first of the Race to be elected foreman of a jury since the Civil war days. Eleven white men elected Mason as foreman, the first case to come up for decision being that of James Shields, a Race man, accused of using the mails to defraud. The case was tried in the federal district court before Judge Luther B. Way. Shields was acquitted. Although members of our group are not barred from jury service by law in Virginia, the commissioners who select jurors have consistently left them off the panel.

WM. T. MASON IS MADE FOREMAN OF PETIT JURY

Otherwise White Panel Acquits Shields Of Mail Fraud

W. T. Mason was elected foreman of the petit jury composed of 11 white men in addition to himself, in the United States District Court, here last week. Mr. Mason, who is secretary of the Community Building and Loan Association and manager of the Norfolk branch of the Bankers Fire Insurance Company, of Durham, N. C., was one of the two Negroes whose names appeared on the petit jury list for the present term. P. J. Chesson, principal of Abraham Lincoln School, was the other.

On the Federal grand jury which was empaneled November 6, one Negro, P. Bernard Young, Jr., managing editor of the Journal and Guide, served. Mr. James Fleming, formerly with the Journal and Guide but now city editor of the Daily Citizen, a New York daily, was summoned, but being out of the city was unable to serve.

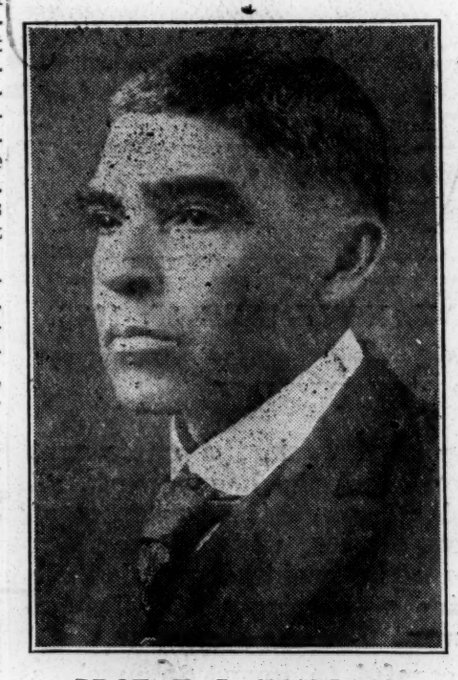
Mr. Mason is the first of his race to be a jury foreman here in scores of years, it is reliably said.

Since the recent agitation throughout the South, notably by the International Labor Defense and the National Association for the Advancement of Colored People for Negro jurors, there has been a tendency on the part of the more liberal judges to include colored citizens on the lists.

Judge William H. Sargeant and Judge James U. Goode of the Corporation courts here said recently that their lists had already been drawn and that they would not consider making any revisions until new lists were drawn next summer.

The case of James Shields which was presented to the Federal petit jury Wednesday resulted in the acquittal of Shields who was indicted for using the mails to defraud. He had been accused along with Mrs. Mary Shields and Miss Jettie Hyman on a charge of obtaining five dollars from Alex James through a letter to which was signed the name of his estranged wife, asking for the amount named. The two women pleaded guilty and received suspended sentences of six months each.

PROF. CHARLTON IS FIRST JUROR USED FOR YEARS



PROF. T. J. CHARLTON

—o—

For the first time in many years a Negro sat on the jury in the district court in Beaumont and Jefferson County this week. Prof T. J. Charlton, principal of Charlton-Pollard High School, was drawn for jury service along with 100 whites.

Twelve talesmen, picked at random, were chosen to try a case in criminal court. It was discovered then that the jury was comprised of 11 whites and 1 Negro. The defendant was a white man charged with burglary. The jury assessed a two-year prison sentence. Prof. Charlton served as juryman in another criminal case.

Lawyers commenting made the following statement: "Under state and Federal laws a Negro is as eligible for jury service as a white man."

TWO REPRESENTATIVE RACE CITIZENS ARE CALLED FOR GRAND JURY SERVICE IN VIRGINIA

FREDERICKSBURG, Va., Dec. 14—Judge Frederick W. Coleman summoned two Negroes for grand jury service, Tuesday, thus breaking a precedent which had been maintained in the Corporation Court here without interruption since the days of the reconstruction period.

The men, Joseph Walker and D. M. Kay, will serve with four white men on a grand jury which will consider indictments against two restaurant cooks, Arthur Haskos, 47, and Arthur Zarkes, 21, charged with holding up and robbing a grocery store last Wednesday night of $93. The jury will convene Thursday morning.

Walker has been sexton of St. George's Episcopal Church for over half a century, and Kay is an undertaker and operator of a barber shop. They are highly esteemed in the city and are considered representative of their race.

The white men completing the jury are: W. S. Chesley and L. G. Roach, City Councilmen; S. M. Janney, wholesale groceryman and Alvin T. Rowe, retired business man.

Judge Coleman is the first Virginia jurist to include the names of Negroes in grand jury lists since the George Crawford case in Boston last summer aroused sentiment throughout the nation against the purported practice of excluding them from list sin the South.

No one in Fredericksburg can recall the presence of Negroes on a grand jury here, although in the years immediately after the Civil War they did serve on petit and grand juries and held elective and appointive offices.

done extends well beyond this immediate case. He has set a moral precedent for the Virginia judges to whom such a question has been presented in recent years, he has met it squarely and firmly, and, as the Virginian-Pilot believes, wisely and justly. Hereafter it will be more difficult for other judges not to follow his example. It has always been impossible for them to sustain any contrary action without a severe constitutional strain.

There can not be any doubt now that in Virginia at least the status of Negroes with respect to jury duty is undergoing a change. Prior to Judge Coleman's salutary action, two judges in Richmond, John L. Ingrahm and Ernest H. Wells, announced their intention to call Negroes for service on grand juries. Judge Coleman has now gone a step further. The three have broken into new ground which, while touched occasionally in the past, has generally been avoided as though it were littered with high explosive. No detonations followed the action of the Richmond judges, and Judge Coleman, we are confident, will not be charged with promoting a revolution in our judicial system.

The truth is that since the issue was raised in the Scottsboro case in Alabama, public opinion has recognized both the justice and the social advisability of the argument for the use of Negroes on juries. It would have been better if the change had come about through our own sense of fairness and not after a cause celebre which reflects in some degree on the judicial processes throughout the South. Virginia judges are showing an increasing disposition to right a wrong. That is a welcome improvement.

A Significant Fine For Contempt

From The Virginian-Pilot

The action of Judge Frederick W. Coleman in fining for contempt of court a white man in Hanover County who had refused to serve on a grand jury with two Negroes, has no binding legal effect on any other judge. Nevertheless, the influence of what Judge Colemen has

RALEIGH, N. C.
TIMES

AUG 23 1933

NEGROES ON GRAND JURY

Richmanders and Virginians generally, we believe, will applaud the determination of Judges John L. Ingram and Ernest H. Wells to place the names of Negroes on grand jury lists. It is a step forward which bespeaks the proper spirit.

There is no sound reason why the Negroes of Richmond should not participate in the administration of justice. They are full-fledged citizens of the community, and, as such, have an inherent right to have a hand in the direction of its affairs. They share in the formulation of governmental policies; by what course of reasoning should they be denied a place in the administration of laws under which they, as citizens live?

Richmond has a large Negro population, yet there has never been the slightest friction between them and the white population. They have dwelt together all these years in peace and friendship. The Negroes, as a whole, have proved themselves to be good, law-abiding citizens, ready at all times to do their part in the advancement of the community. The cause of government will not have suffered by reason of their participation in it.

In the case of George Crawford, whose extradition from Massachusetts to Virginia, to answer a charge of murder, was denied by a federal judge on the ground that Negroes did not serve on juries in Loudoun, although the legality of such service was never questioned, precipitated the question of doubt as to the validity of trials under this system. That doubt should be swept away, and Judges Ingram and Wells are taking the lead in that movement.—Richmond (Va.) Times-Dispatch.

WATERVILLE, ME.
SENTINEL

SEP 22 1933

SOUTH IN A CORNER

A white southerner has been fined $10 for refusing to serve on a jury with Negroes, thus starting black and tan juries on their way where they have not been known for some time. In recent prominent cases in the south it has been revealed that Negroes have been almost completely excluded from jury service, practically if not officially. In making up the lists reasons for passing over the blacks have been easy to find and so rarely if ever have Negroes been called to court for this work.

This is not constitutional or even good common law and so will endanger the verdict in every case where the practice has been followed. Southerners must put Negroes on their juries and accept the verdicts they help to find if their court decisions are to stand. And so whites must serve with blacks on juries, no matter how aloof they manage to be in all other relations of life.

In short, the south at last seems to have been driven into a corner where no "grandfather clause" will provide an exit.

Juries-1933

NEGROES ON JURIES

Citizens of Hamilton county have established a precedent for the South as concerns administering equal justice for all citizens that might well be emulated in every county of our nation. The contention has been advanced, and properly so, that barring Negroes from juries is a flagrant violation of the Constitution and savors of the rankest sort of injustice in the operation of our courts.

Last week the name of a representative Negro citizen was placed in the jury box and when drawn he was selected as one of the twelve men to sit on cases to be heard in the criminal court for Hamilton county. This exhibition of fairness and justice on the part of Hamilton county's court officials is worthy of commendation. Their action in this instance will go far toward offering ample refutation to the criticism directed at the South, wherein it is charged that Negroes cannot get even a semblence of justice in the courts.

Certain Chattanooga white leaders, even before the matter of selecting Negro jurors received such widespread agitation, suggested that all Negro jurors be chosen to try cases involving all Negro litigants. While such a plan may be carrying the contention for Negro representation to the extreme, there is positively no reason, if our court officials are desirous of being fair and just, why the names of representative Negro citizens should not be placed in the jury box and when drawn, they should be selected to serve on juries the same as and along with members of other races.

When such a fair attitude is exhibited in every section of our Southland, the so-called race question will be far on the way to an amicable solution.

Brooklyn, N. Y. Eagle

JUN 10 1933

Negro Juryman's Chance To Serve Law and Order

I was interested in your editorial, "One Negro Juryman." In a case where a colored man was selected for jury duty, there must have been a reason for his selection. It would give a chance for the white jurors to present a verdict of nonconviction, or a chance for a colored juror to swing a vote either for or against one of his own race, to stand for law and order, if the prisoner is guilty, regardless of color. Where justice is concerned it behooves all to first think of Americanism, regardless of color or creed, and to cast a vote for obedience to law. EVELYN ARMOUR.

Riverhead, N. Y., June 7.

N. Y. HERALD

JUN 6 1933

Negro Picked for Jury, Chattanooga in a Stir

Retired Mail Carrier 1st to Get Post Since 'Carpet Bag' Days

Special to the Herald Tribune

CHATTANOOGA, Tenn., June 5.—For the first time since the "carpet bag" rule of the Reconstruction days following the Civil War, a Negro was selected here today as a member of a Hamilton County jury. R. C. Hawkins, retired mail carrier who is on a Federal pension, was approved this morning by Trial Judge Charles W. Lusk, Republican, and qualified for jury service. He sat on the first case called on the docket. Incidentally, the case was against a Negro charged with burglary.

This town is in a stir over this question. The jury commission apparently summoned Hawkins through error

A Negro On Grand Jury In Alexandria

Planet

Responding to the request of Chas. H. Houston, attorney for the National Association for the Advancement of Colored People, Judge Woolls, presiding in the corporation court of Alexandria, Va., named Lucius Gaines, a Negro, as a member of the grand jury which indicted Lloyd Wade, also colored, for manslaughter in connection with the death of Henry F. Burke, who was fatally injured when his parked automobile was struck by an automobile driven by Wade on the morning of June 4. Mr. Houston came to Alexandria from Washington, where he practices law, and insisted upon the empanelling of at least one Negro on the gand jury in the case. This is the first time within the memory of the oldest residents of the city, and possibly the first time in its history, that a Negro has been called on a grand jury. Mr. Houston has taken a leading part in the case of George Crawford, which has attracted nation-wide attention as a result of the decision of Federal Judge James A. Lowell of Massachusetts in granting Crawford a writ of habeas corpus because Negroes were barred from jury service in Virginia.

THE NEGRO AND JURY SERVICE

As far back as forty years ago, and even later, it was a common thing for Negroes to be called to serve as jurors in North Carolina and other progressive States in the South But as the result of over-emphasis of the race question and the coming of the Democratic Party into power, Negroes are now denied the right of jury service almost universally. This fact has been strongly set forth in recent court tests, and the justice and legality of the contention to thus serve are beginning to be conceded. Only this week we noted in the daily papers that a colored man—a retired mail carrier—had been summoned for jury service in Chattanooga, Tenn. There are indications that the pendulum will continue to swing in this direction until the Negro throughout the country, and in the South particularly, is accorded his right in this regard.

Chattanooga, Tenn. Times
June 7, 1933

MILLER BLOCKS NEGRO FROM SERVICE ON JURY

Co-incident with impaneling Monday by First Criminal Court Judge C. W. Lusk of the first Negro said to have served on a Hamilton county jury in about forty years, the first venireman summoned for jury service in second criminal court, which convened yesterday after several weeks' adjournment, also was a Negro.

Judge L. D. Miller, however, excused the colored venireman, who was W. M. Scott, 2727 Morgan street, from serving on the jury.

The judge called Scott to the bench and explained to him that jury service would make it necessary for him to eat and sleep with eleven white men. Scott decided he would rather be excused and handed in his subpoena.

Judge Miller then impaneled two juries and six extra jurors, all white men, and proceeded with his docket.

In the first division of criminal court R. C. Hawkins, colored, retired postman, was excused by Assistant Attorney-General Fred Ballard when the only case in which a jury was used was called up for trial. It is understood that the state plans to challenge Hawkins in all cases hereafter.

First Negro Juryman Called In Tennessee

CHATTANOOGA, Tenn., June 5. (UP)—The first negro to serve as court officers here recall, ever to sit in a jury in Tennessee, was empanelled on a Hamilton county criminal court jury today.

R. C. Hawkins, a retired negro mail carrier, was selected for service with eleven white men on a regular petit jury which will hear cases tried before Judge C. W. Lusk for the next three weeks.

Chattanooga, Tenn. Times
June 7, 1933

CHAMLEE RECALLS TIME OF NEGROES ON JURIES

Negro jurors are nothing new for Chattanooga, Gen. George W. Chamlee, Sr., chief counsel in the Scottsboro cases, said here yesterday in an interview in which he recalled that upon coming here in 1892 Negro jurors were commonly used.

While serving as attorney-general here, Gen. Chamlee recalled that once through oversight a mulatto was qualified for grand jury service and served through the term. He did not know however, the man was a mulatto until someone pointed him out, Gen. Chamlee said. This happened sometime during his term which started in 1918 and ended in 1926.

There were several Negroes used frequently on juries here in the nineties, the former attorney-general recalled. The practice was abruptly ended when, in 1906, a lynching occurred here and created bitter race hatred, he said. The lynching of Ed Johnson on the Walnut street bridge is the particular incident that ended the Negro jury service, he said.

Gen. Chamlee recently filed a plea in abatement in a murder case against Bud Mason, Negro, who was charged with killing a white man, who had interfered in an altercation between Mason and another Negro. Gen. Chamlee in his plea insisted that Mason was denied a fair trial because members of his race were not included in the grand jury panel. Judge Charles W. Lusk ruled that Gen. Chamlee's plea was filed too late to be considered and that the proper time to file it was before the grand jury returned an indictment.

First Negro Put On Chattanooga Jury

(Chattanooga Times)

A forty-year precedent, one adhered to since Chattanooga recovered from the 'carpet-bag' rule of reconstruction days after the War Between the States, was shattered in the first division of criminal court here yesterday morning when Judge Charles W. Lusk impaneled a Negro on a trial jury.

The first colored juror to serve on a Hamilton county jury in twoscore years is R. C. Hawkins, 516 Chesenut street, a retired mail carrier on a federal pension.

Summoning of Negroes to serve on juries is a rare occurrence and, when it does happen, the Negro veniremen formerly have been excused. Accordingly, a buzz of excitement swept over the crowded courtroom yesterday morning when Judge Lusk, after the clerk had called out Hawkins' name and the colored man had stated to the court his willingness to serve, ordered Hawkins to take a seat in the box with eleven white men.

The first case called for trial before No. 1 jury, on which Hawkins was impaneled, was a burglary case against a Negro John Williams, and Hawkins was accepted on the jury by both Assistant Attorney-General Fred Ballard and Defense Attorney W. J. Troutt.

Inasmuch as the case involved a felony, the jury had to be kept together during the noon hour. Jury boarding house, as is the custom, had dinners brought to the jurymen in charge of Officer W. M. Stoner, faced with the problem of providing the jurors with the jury room at the courthouse, food, instead of taking the jury to a

Chattanooga, Tenn. Times
June 8, 1933

CONCERNING NEGROES ON JURIES.

In the midst of considerable discussion of the question of Negroes serving on juries, it would be well to consider a point raised by one of Chattanooga's Negro leaders, D. C. Harper, head janitor at the Courthouse. Harper says the better element of the local Negro population wants Negroes to sit on juries which try members of their race.

It does not appear that this desire arises from any feeling that white juries deal too harshly with Negro offenders, but from the feeling that white juries often treat Negro cases too lightly. "Why, for a while," says Harper, "colored criminals would rather be tried for murder than for liquor law violation. * * * We are not radical, but we want relief."

The burden of Harper's complaint is that the law is not enforced strictly enough in many Negro cases, and the implication is that Negro jurors would be disposed to entertain less doubt as to guilt and impose heavier penalties than white jurors. "We spend thousands of dollars for our churches, to educate our children and are trying to better ourselves," Harper reminds, adding: "We must see that crime is discouraged, as well as justice done."

The views of Harper regarding the use of Negro jurors to try Negro criminals must be novel to many a white. They are certainly interesting. And the reported feeling among the better element of Negroes that white juries take many Negro cases too lightly is somewhat of an indictment of the white man's devotion to law enforcement, a function which he insists upon performing, even where Negroes alone are concerned.

Brooklyn, N. Y. Eagle

JUN 7 1933

One Negro Juryman.

A colored man accused of burglary in Chattanooga, Tennessee, will have whatever benefit there is in the actual selection of one Negro on the jury of twelve men that is to try him. One juror can prevent a conviction. This is said to be the first time in sixty years that a colored man has been accepted for the jury box in that State. The exclusion issue is being fought over in the Scottsboro cases in Alabama. But, as The Eagle has noted, few Negroes are on juries in any State, Northern or Southern.

In the Chattanooga instance a retired mail carrier, wholly acceptable to the prosecution as well as the defense, makes the post-reconstruction precedent. The custom of taking felony court jurors to a restaurant for meals has to be abandoned because whites and blacks may not eat at the same place. Food, therefore, for the Negro and his white colleagues will be brought to the jury rooms. Whether the colored man will have to have a separate table we are not informed. "Social equality" is as strenuously shunned in Chattanooga as in many other cities.

ALEXANDRIA HAS COLORED JUROR

ALEXANDRIA, Va.—Another victory in the fight waged by colored lawyers to put members of their race on juries in the South, was won this week when Luclus Gaines, said to be the first colored man ever to serve on any jury here in the history of this city, was elected to serve as a member of a special grand jury in the corporation court presided over by Judge W. D. Woolls, at the opening of the court term, Monday morning.

This time the court got the jump on the lawyers. The regular grand jury was dismissed and a special grand jury drawn including the names of seven colored men, one of whom was elected to serve with six whites before attorneys could have the case thrown out of court.

It all started when J. Byron Hopkins and William Davis Butts, young local attorneys representing Lloyd Wade, 29, of White Plains, N.Y., decided to enter a motion to have the case against their client thrown out of court on the ground that colored persons were not allowed to serve on juries in Virginia solely on account of their color.

Wade was ordered held for the action of the grand jury on a manslaughter charge at a preliminary coroner's hearing, June 6, following the death of Henry F. Burke, white, 63-year-old retired motorman, from injuries received when his parked automobile was struck by Wade's car early the morning of June 4.

PETERSBURG, VA.
PROGRESS-INDEX
MAY 2 - 1933

Colored Jurors

IT IS PROBABLE that exclusion of Negroes from the jury which recently convicted Howard Patterson, one of the defendants in the notorious Scottsboro case, will form the basis of an appeal to the Circuit Court of Appeals and possibly to the Supreme Court of the United States. The latter court probably would grant a new trial on the ground that no Negroes were on the jury which found Patterson guilty and fixed his punishment at death.

In the case of a Virginia judge convicted of violating a Federal statute, the United States Supreme Court held that exclusion of Negroes from the trial jury was ground for a new trial. This case is reported in 100 U. S. 339. In Strouder v. West Virginia, 100 U. S. 303, Strouder, a Negro, was convicted of murder in West Virginia and sentenced to death. He appealed to the Supreme Court of the United States on the ground that West Virginia laws exclude Negroes from juries. The Supreme Court held that the fourteenth amendment to the Constitution of the United States prohibited racial discrimination in the selection of juries and a new trial was ordered. In the case of Carter v. Texas, 177 U. S. P. 442, the defendant, a Negro, was sentenced to death for murder. It was alleged in his behalf that all Negroes were systematically excluded from the grand juries of Texas. The Supreme Court unanimously reversed Carter's conviction and held that if he could show systematic exclusion of Negroes from juries in Texas, no conviction against him could be had. The opinion of the court in this case proceeded: "Whenever by any action "of a State, whether through its Legislature, through its "courts, or through its executive or administrative officers, "all persons of the African race are excluded, solely because "of their race or color, from serving as grand jurors in the "criminal prosecution of a person of the African race, the "equal protection of the laws is denied to him, contrary to "the Fourteenth Amendment of the Constitution of the United "States."

It is rather plain from the foregoing that the highest court will order a new trial for Patterson should the case come before that tribunal on appeal based upon systematic exclusion of Negroes from juries in Alabama. States in which Negroes do not serve on juries should face the situation. We do not know that the matter is of supreme importance to either race. It is likely that many Virginia Negroes, however it may be in other States, would prefer being tried by a white jury than by one containing a sprinkling of colored men.

EAGLE
St. George, S.C.
APR 20 1933

NEGROES ON JURY

Judge Johnson recommended to the jury commissioners of Dorchester county that names of Negroes qualified for jury service under the laws of the state be included henceforth on the jury list made up by these officers. He stated that he expected to make the same recommendation to jury commissioners in other counties.

Under the law said Judge Johnson, a convicted person would have a right to appeal to the U. S. Supreme Court on the grounds that Negroes were not included in the jury list. There should be no objection to a negro of the qualifications necessary for jury service—and the jury commissioners decide as to qualifications—serving on a jury. If a person tried in courts objects to a Negro sitting on the jury in his case he has the right to challenge.

Judge Johnson said it is not a question of wanting negroes on the jury, but a question of law. According to S. C. law, there is no discrimination against individuals on account of race and color or previous condition. Competent colored men are equally eligible with others for service under the law.

Juries — 1933

NEGRO JURY SERVICE

In Hamilton County, Tennessee, a Negro has served on a petit jury for the first time within the memory of man, and at Alexandria, Virginia, a Negro has been called for service on a grand jury for the first time in history. These are indications that the South is rapidly changing its attitude of injustice toward Negroes, and indicates at least a greater desire to see to it that all men have a square deal before the law, without regard to race or creed or color.

The next important step must be that which has already been taken in Virginia, namely, to recognize the decisions of the highest federal courts that Negroes have a legal right to vote in the statutory primary elections of the South.

BENSON-WRIGHT CASE POSTPONED TO AUGUST 18

Negro Jury Issue To Be Delayed By Action

Delay in raising the question in corporation Court here of whether or not Negroes are excluded from jury service in Virginia in violation of the Constitution, will be the result of a continuance granted in Corporation Court No. 1 recently in the case of Joe Benson, white, secretary of the Norfolk County Unemployed Council, and Alexander Wright.

Benson and Wright are both charged with violating city ordinance No. 6574, an emergency measure adopted at a special session of City Council last December. The ordinance prohibits the holding of demonstrations, parades or other public assemblies on any public street, highway or public place under control of the city government, without a written permit from the city manager.

The case, which was set for June 29, was continued to August 18. When the cases against Benson and Wright are brought to trial it is expected that just enough evidence will be presented for purposes of record, and that the pair will be found guilty on an instructed verdict. This was indicated several weeks ago when Judge William H. Sargeant overruled a defense motion to quash the indictment against the two men. This action will be taken, it was learned, in order to form a basis of appeal to the Virginia Supreme Court of Appeals.

The issue of Negroes serving on Virginia juries is expected to be raised if the case of Wright is brought back to Corporation Court. Benson and Wright were arrested at City Hall last March 4 when they attempted to make speeches during a demonstration sponsored by the Norfolk County Unemployed Council. The cases were tried in Police Court on March 6 and the two defendants were given small fines by Judge R. B. Spindle, Jr., which they appealed.

There are also two other cases now pending in Corporation Court of a similar nature. The defendants are Louis Seidman, white, and Rufus Beaverbrook, whose cases have been on appeal from Police Court since last February.

WHY NEGROES ON JURIES, GOVERNOR ASKS REPORTER

State Executive Talks Freely In Exclusive Guide Interview

Richmond Bureau
504 N. Third St.

RICHMOND. — Governor John Garland Pollard, Virginia's chief executive, told a Journal and Guide reporter Monday that he had refused a pardon in the case of Richard Lee, Amelia County youth, who is serving a 20-year sentence in the penitentiary in connection with the death of Will Jones, white Amelia County farmer.

Jones' wife and son were also indicted in connection with the death, but Mrs. Jones was tried and acquitted and the charges against the son were nolle prossed by the judge of the court.

The governor said he would not act in the case until such time as the persons seeking clemency for the youth had shown reasons why the man should be pardoned. "If letters are sent me from people who know something about the case, who were in court at the time of the trial, I shall consider the case, but the record in the case will not sustain me in granting a pardon to this man, who is a self confessed murderer," said the governor.

States His Position

"The judge of the court and the commonwealth's attorney in the case state that the man has had a fair trial and refuse to recommend a pardon," continued the governor. "Am I to take the word of persons whose conclusions are based upon investigations only, not having been at the trial, in preference to the statements of responsible officers of the law?

The reporter did not go to the governor's office to discuss the case, and the discussion having been opened by the governor.

The reporter asked Governor Pollard if the record would bear out the statement that Lee was a self-confessed murderer. The governor replied that officers testified that the man confessed to the crime, but admitted that this testimony was repudiated by the accused on the stand.

It was also pointed out by the governor that the refusal of the accused to admit on the stand what he had told officiers was what led to the acquittal of Mrs. Jones.

Sees Trial As "Fair"

Calling the attention of the governor to the statement of Judge Cox, who tried the case, in his letter to the governor on the subject of a pardon for Lee, in which he said, "the prisoner was given every opportunity to prove his innocence," and asking if that statement alone did not tend to show that the man did not have a fair trial, the governor said "that was an inadvertent statement and some loose language on the part of the judge," but it had no bearing upon the case under consideration. "It has no bearing upon the guilt or innocence of the accused," he said.

When asked if the fact that the court-appointed attorney had little time in which to prepare his defense should not be a mitigating circumstance in favor of the defendant in a plea for pardon, the governor replied that the attorney who represented the defendant in this case had made no complaint at not having had proper time to prepare his defense nor had he intimated that his client did not receive a fair trial.

Must Look To Evidence

It was explained to the governor that this attorney was employed by the court to carry out a certain function and, that duty having been performed, he had no further interest in the case.

"I must be governed in granting pardons by the evidence in the case and according to the evidence before me the man had a fair trial." "And the law," the reporter put in. "Yes, said the governor, I must be governed by the law and the evidence, and according to the record the law in the instant case would be more stringent than the evidence."

Pointing out that he did not understand the governor's application of the law, the reporter queried. "If we are going to be governed strictly by the letter of the law, which states that every man shall be tried for a felony by a jury of his peers, this not having been doone in this case, would it not be a fact that the accused had not even had a trial according to a strict interpretation of the law?"

Talks On Jury System

The governor did not reply directly to this question, but told the reporter that when he began the practice of law in Virginia, Negroes were serving upon juries and that on such juries as Negroes served the sentences meted out to Negroes were much harsher sentences than would have resulted had all the jurors been white.

"Further," the governor said, "employers of labor tell me that they experiment some times with Negro foremen and these foremen are harder masters than white men would be under the same circumstances. This being true, why do you want them on juries again," the governor asked?

Sensible and intelligent Negroes, the governor was informed, did not want the courts to free criminals, no matter what their color; they are only interested in seeing justice done. What they want for one thing is some harsher sentences in cases where Negroes have murdered Negroes.

"You are complaining that this sentence is too harsh, yet you want harsher ones?"

The reporter told the governor that it was not cases of this kind that Negroes wanted or needed harsher sentences, but cases where Negroes had murdered each other, and where the present practice is to let the killer go by while dealing severely where the killer is colored and the victim white.

On Grand Jury

JOHN L. BERRY,
assistant manager, North Carolina Mutual Life Insurance Company, who has been selected a member of the July term grand jury of the Baltimore court.

ROY GARVIN SERVES ON BEER JURY

Altho Kansas is known as a dry state and does not sanction the 3.2 of the President's New Deal, a jury in Wyandotte District court Wednesday acquitted Fred West charged with violating the state prohibitory law by dispensing the new brew. The jury composed of six prominent citizens of the city took only six minutes to decide the verdict.

Roy Garvin, well known politican and newspaperman, was one of the five men who with a woman made up the jury. The decision by Garvin and his colleagues will probably influence the future stand that the state will take in similar cases.

Negroes Selected on Both Petit and Grand Juries

La Plata, Md., July 21.—Judge Jupiter, charged with the murder of Mrs. Evelyn Reifschneider, white, was today removed to Baltimore for safe-keeping. Charles H. Houston of Washington, member of the N. A. A. C. P. National Legal Committee who with Edward P. Lovett, Washington attorney, associated with Mr. Houston in the Crawford extradition case, and J. G. LuValle, editor of the Washington Tribune, today made a thorough investigation here of the case and of the attempt to lynch Jupiter.

The revelations to date in the Reifschneider murder are of a most sensational nature. Jupiter stoutly maintains that he had had intimate relations with Mrs. Reifschneider at her request while he was working on the Reifschneider farm to pay off a debt of $20 for vegetables purchased from the woman's husband. He denies he criminally assaulted her and declares that he killed Mrs. Reifschneider, according to newspaper reports, at her request when he planned to leave the farm after working out his debt.

NEGROES TO SERVE ON JURIES IN VA.

It is interesting to know that the State of Virginia, the first state to receive slaves in this country, is now accepting Negroes on the grand jury, and they will be called for service in this inquisitorial body, beginning with the next term of court which convenes in October. It is announced that there is no Virginia statute excluding Negroes from any form of jury service, but for many years in that state it was not the custom to place Negroes on the jury list.

It will be recalled that George Crawford, an alleged fugitive from Virginia, is now in Massachusetts awaiting a hearing from the United States Supreme Court as to whether or not he can be extradicted to Virginia. Attorneys in the interest of Crawford are making contentions that it is impossible for Crawford to have a fair trial in the State of Virginia because of the faulty jury system and prejudices that are commonly practiced against the Negro people.

Judge Lowell denied Virginia the right to remove Crawford on extradition papers several months ago, and the Supreme Court of Massachusetts reversed that decision. The case is now pending in the Supreme Court of the United States.

The jury system is regarded in the American jurisprudence as a very sacred procedure. Its origin is traceable to the twelve Apostles of Christ, and its judgment by all courts is weighed with much consideration. When a jury's decision is reversed by a court it is generally true that some law has been violated which affects the evidence. It is important that a fair trial be had in every case where one's rights, either civil or criminal, are being contested at the bar. It is almost impossible for a white jury to be uniformly fair when Negroes are being tried for offenses alleged to be committed against white people.

NEGRO JURY For Richmond

Announcement by Judge John J. Ingram and Judge Ernest H. Wells of Hustings Courts, Parts I and II, that beginning with the October term of these courts, Richmond Negroes will be called upon the grand juries which will be impanelled to pass upon indictments of persons charged with law violations, was received with acclaim by both colored and white citizens this week. Judges Ingram and Wells were in conference on the subject of Negro jurors, after which they announced that the list of grand jurors will be revised to include names of representative men of the race.

No action was taken upon the placing of Negroes upon petit juries. missioners appointed by the courts These lists are drawn by jury com- and are made up yearly in February. It is assumed that the 1934 petit jury lists will also include Negroes. The grand jury lists are selected by the judges themselves and this makes it possible for the immediate selection of men for this service. A Richmond Planet representative has been in conference with Judge Ingram on the question of Negro jurymen for more than three months and it was known that he favored Negro jurymen.

Negro jurymen have not appeared in Richmond courts since 1923, when Judge David C. Richardson was on the Hustings bench. It will be remembered that John T. Taylor was a member of the jury venire called in the famous Mitchell case in 1923. Since that time, which was about the time of the advent of the commission system of jury selection, Negroes have been automatically excluded from jury service, not only in Richmond but in all parts of the State of Virginia.

The action of Judge Lowell in the Crawford case is supposed to have precipitated this action. Judge Lowell attempted to free George Crawford who was charged with a double murder in Virginia, on the ground that his trial would be illegal because of the exclusion of Negroes from the jury which would try him. The U. S. Supreme Court is to pass upon this decision at its next term.

July 13, 1933

NEGROES ASK PLACE ON JURY

Greensboro.—Resolutions setting forth the belief that the names of Negroes should be placed in the lists from which persons are selected for jury service in the courts were adopted Tuesday night at the monthly meeting of the Greensboro branch of the National Association for the Advancement of Colored People. The session was held at St. James' Presbyterian Church.

This action was taken by unanimous vote following a brief discussion initiated by Rev. H. C. Miller, president of the branch. Negroes have recently been called for jury service in Tennessee and in Durham, it was stated. It was suggested that the support of the Interracial Commission in this connection might be sought, but no definite decision as to this was reached. At its last annual meeting the Interracial Commission passed a similar resolution after it was offered by a resident of Greensboro, one of the speakers declared.

The association unanimously voted to support the campaign for a supplemental tax of 19 cents for the Greater Greensboro schools district. Prof. J. A. Tarpley urged that the organization co-operate actively along this line.

The charter received from the national office was exhibited, and the secretary, W. N. Nelson, referred to the number of active members of the local branch as more than twice the number necessary to permit affiliation with the national association. In the fall there will be "a drive for 1,000 members," it was stated.

Virginia Negro Serves As Foreman of Jury

NORFOLK, Va., Nov. 10.—(AP)—W. T. Mason, a negro, was foreman of the jury of 11 white men and a negro which yesterday acquitted James Shields, negro, of a charge of using the mails to defraud.

South Opens Jury Box to Negro Citizens

ALEXANDRIA, Va., June 23.—Lucius Gaines, an Alexandria porter, was called last week to serve on the jury in a manslaughter case against Lloyd Wade, who was charged with responsibility for the death of Henry Burke of Alexandria in an automobile accident.

It is also stated that Judge William P. Woolls ordered the names of seven Negroes added to the grand jury list when he heard that the A. A. C. P. was going to protest the absence of Negro jurymen in Wade's case. The Alexandria jury commission is to meet shortly to add the names of 20 Negroes to the petty jury list.

COLOR BAR BANNED BY VIRGINIA JURIST

Awards Damages to Negro Whom Hampton Officials Kept From Voting

NEWPORT NEWS, Va., Nov. 13.—L. E. Wilson is entitled to damages from three election judges in Hampton because they denied him the privilege of voting in Democratic primaries last August, Judge C. Vernon Spratley of the Elizabeth City County Circuit Court ruled Saturday. Wilson contended that he had not been permitted to vote solely because of his color. He sought to recover $10,000 in damages. A jury will determine the amount he is to receive.

In October a jury rendered a verdict upholding the action of the election judges. A motion to set aside the verdict was sustained by Judge Spratley. A political party, he ruled, 'cannot, in a state-conducted primary, deny its privileges to those who subscribe to its principles and tenets, nor can it make lawfully discriminations because of race, color or previous condition of servitude." It is expected that the case will be appealed to the State Supreme Court.

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Years ago in Virginia Negroes were summoned for jury service. The practice was discontinued. There is no Virginia law prohibiting Negroes serving on juries.

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Formerly, under Virginia law, the judge in such case could order the sheriff to summon from among the bystanders or spectators in the courtroom a sufficient number to fill out the incomplete panel. This law was changed some years ago.

Had not this change been made, the judge at the present time could summon Negroes for jury service, since he would not be compelled to confine himself to the list in the jury box. The general assembly should change the law so as to give Virginia judges authority to summon Negroes when desired. There is no question that Negroes must be restored to jury service. Recent Supreme Court decisions render this necessary, a fact recognized by all Virginia judges and lawyers. If judges were clothed with authority to have summoned colored men for jury service when this was regarded as desirable, there would be no danger of the Supreme Court voiding an expensive trial of a colored man on the ground that none of his race was on the jury which convicted him. In our opinion, it will not be long in view of recent developments including Supreme Court decisions, before counsel for a Negro accused of a felony will object to his trial by a jury on which there are no colored men. The judge will be bound to sustain the objection. Of course, a new jury would be summoned, but under our present law this likewise would be made up exclusively of white men and defense counsel again could and doubtless would object. This could be continued indefinitely, but Section 4926 of the Code of Virginia, says: "Every person against whom an indictment is found charging a felony . . . shall be forever discharged from the prosecution of the defense if there be three regular terms of the Circuit or four of the Corporation or Hustings Court in which the case is pending, after he is so held without a trial, unless the failure to try him was caused by his insanity," etc., etc., etc.

The need of legislation amending the law governing the selection of jurors is obvious. Indeed, as we have intimated something of an emergency exists growing out of the condition created by Supreme Court decisions and by the decision of the Massachusetts Federal Court. The general assembly hardly should be expected to enact legislation at the special session giving the judges of our courts authority to summon jurors from the body of citizens generally, but unquestionably there should be such legislation enacted at the regular session which convenes in January.

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The need of legislation amending the law governing the selection of jurors is obvious. Indeed, as we have intimated something of an emergency exists growing out of the condition created by Supreme Court decisions and by the decision of the Massachusetts Federal Court. The general assembly hardly should be expected to enact legislation at the special session giving the judges of our courts authority to summon jurors from the body of citizens generally, but unquestionably there should be such legislation enacted at the regular session which convenes in January.

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NEGROES ON GRAND JURY

Richmanders and Virginians generally, we believe, wil pplaud the determination of Judges John L. Ingran nd Ernest H. Wells to place the names of Negroes o rand jury lists. It is a step forward which bespeak he proper spirit.

There is no sound reason why the Negroes of Rich mond should not participate in the administration o ustice. They are full-fledged citizens of the commun ty, and, as such, have an inherent right to have hand in the direction of its affairs. They share in th formulation of governmental policies; by what course o reasoning should they be denied a place in the adminis tration of laws under which they, as citizens live?

Richmond has a large Negro population, yet ther has never been the slightest friction between them an the white population. They have dwelt together al these years in peace and friendship. The Negroes, a a whole, have proved themselves to be good, law-abidin citizens, ready at all times to do their part in th advancement of the community. The cause of govern ment will not have suffered by reason of their partici pation in it.

In the case of George Crawford, whose extraditior from Massachusetts to Virginia, to answer a charge o murder, was denied by a federal judge on the ground that Negroes did not serve on juries in Loudoun, al though th legality of such service was never question ed, precipitated the question of doubt as to the validity of trials under this system. That doubt should be swept away, and Judges Ingram and Wells are taking the lead in that movement.—Richmond (Va.) Times-Dispatch.

Negroes On Juries In Virginia

Negroes And Jury Service

From Petersburg Progress-Index

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In case of inability to obtain 12 jurors from the panel summoned the number of additional jurors needed is summoned on the order of the judge, but the court is confined to jury list in issuing such additional summonses.

Formerly, under Viginia law, the judge in such case could order the sheriff to summon from among the bystanders or spectators in the courtroom a sufficient number to fill out the incomplete panel. This law was changed some years ago. Had not this change been made, the judge at the present time could summon Negroes for jury service since he would not be compelled to confine himself to the list in the jury box. The general assembly should change the law so as to give Virginia judges authority to summon Negroes when desired.

There is no question that Negroes must be restored to jury service. Recent Supreme Court decisions render this necessary, a fact recognized by all Virginia judges and lawyers. If judges were clothed with authority to have summoned colored men for jury service when this was regarded as desirable there would be no danger of the Supreme Court voiding an expensive trial of a colored man on the ground that none of his race was on the jury which convicted him. In our opinion it will not be long in view of recent developments including Supreme Court decisions, before counsel for a Negro accused of a felony will object to his trial by a jury on which there are no colored men. The judge will be bound to sustain the objection. Of course, a new jury would be summoned, but under our present law this likewise would be made up exclusively of white men and defense counsel again could and doubtless would object. This could be continued indefinitely, but Section 4926 of the Code of Virginia, says:

"Every person against whom an indictment is found charging a felony....shall be forever discharged from the prosecution of the defense if there be three regular terms of the Circuit or four of the Corporation or Hustings Court in which the case is pending, after he is so held without a trial, unless the failure to try him was caused by his insanity," etc., etc. etc.

The need of legislation amending the law governing the selection of jurors is obvious. Indeed, as we have intimated, something of an emergency exists growing out of the condition created by Supreme Court decisions and by the decision of the Massachusetts Federal Court.

The general assembly hardly should be expected to enact legislation at the special session giving the judges of our courts authority to summon jurors from the body of citizens generally, but unquestionably there should be such legislation enacted at the regular session, which convenes in January.

Negroes On Grand Jury

From Richmond Times-Dispatch

Richmonders and Virginians generally, we believe, will applaud the determination of Judges John L. Ingram and Ernest H. Wells to place the names of Negroes on grand jury lists. It is a step forward which bespeaks the proper spirit.

There is no sound reason why the Negroes of Richmond should not participate in the administration of justice. They are full-fledged citizens of the community and, as such, have an inherent right to have a hand in the direction of its affairs. They share in the formulation of governmental policies; by what course of reasoning should they be denied a place in the administration of laws under which they, as citizens, live?

Richmond has a large Negro population, yet there has never been the slightest friction between them and the white population. They have dwelt together all these years in peace and friendship. The Negroes, a whole, have proved themselves to be good, law-abiding citizens, ready at all times to do their part in the advancement of the community. The cause of government will not have suffered by reason of their participation in it.

From Richmond News-Leader

The decision of Judge Wells and Ingram to include Negroes on the gand juries, beginning with the September terms of the courts, reflects common prudence not less than common justice.

It will only be a matter of time before Negroes will also be drawn for the petit juries. There are none on the present jury list, which the commissioners make out for a year at the time; but on the next list, it will be wise and, indeed, may be necessary to include some Negroes. If they are not desired on juries, they can be challenged; but in many cases we see no reason why the right of a challenge should be exercised.

As a part of the education of its Negroes in citizenship, we should like to see a full Negro jury or the case of a Negro indicted for some serious crime. Perhaps the action of such a jury would be helpful in every way. There often is too much of a disposition on the part of white juries not to take

Juries-1933

New Canaan, Conn

MAY 1 1933

COLORED JURORS

An opportunity for residents of New Canaan to serve on Superior Court juries is available to those who are eligible and succeed in qualifying. As announced in the news columns of the Advertiser last week men who wish to serve may leave their names at Town Hall on or before May 15. At the time the item was printed Judge Lowell of Massachusetts was being criticized because he refused to allow a prisoner to be sent back to Virginia on the ground that Negroes are not allowed to serve on juries in that State and therefore the trial of the accused would be declared invalid by the United States Supreme Court. It was very much like waving the red flag in the face of Virginia.

The decision by Judge Lowell resulted in an inquiry being made in Connecticut as to whether colored men are allowed to serve on Connecticut juries, and a pursuit of the inquiry brought out the information that not within the memory of any living man has a Negro sat on a jury in the Nutmeg State. The question of a colored man serving has never been brought up, so far as could be learned.

In selecting men for jury service, one State official said, the practical side of the question is considered. Men with unusually strong convictions are not chosen. Factory superintendents, factory foremen, doctors, lawyers, school teachers and traveling men are not considered. Newspaper men seldom are found on juries.

An attempt is made to pick men who represent a fair cross-section of the community. Illiterates are not chosen for reasons that are obvious. An attempt is made to eliminate men whose advantages and experiences in life have been limited, and herein is where the Negro is lacking. The average colored man has not enjoyed the advantages of education and of associations that have been within the experience of his white brother and while there are colored people who could classify with white men their number is limited and that is why they do not appear on juries in this State.

NEW YORK

NEW BRITAIN CONN. HERALD
MAY 3. 1933

WOMEN ON JURIES

The trend toward liberality in the upper house of the Legislature yesterday hinged around permitting women to serve on juries. In the past, when this subject was discussed by solons, we have been of the opinion that women who feel they like to serve on juries should be given the chance to be chosen; that such women are likely to be as intelligent as their male colleagues on such bodies; and that as women are citizens and have the right to vote, they likewise should have the right to serve on juries.

We are not inclined to think otherwise at this moment of change in legislative tactics. States having such laws have not suffered judiciary chaos. Women invariably have been able to follow the testimony with an intelligent appreciation of its bearing on the cases at issue and have been as well able to come to clear-cut decisions as the men. Some of them, we are willing to assume, are better jurors than men; and indeed, we have known of some decisions by male juries which all but fractured the mind.

It is an inherent constitutional right that is being voted to women in Connecticut. From the moment they were granted the right of suffrage they should have been amenable to jury service, like male citizens. On the same basis Negroes, as citizens, are also entitled to jury service in accordance with the dictates of the federal Constitution. It is this point that has been brought up repeatedly in southern states where, in trials where Negroes were charged with crime, the jury panels contained only the names of white citizens. Judge Lowell in Boston emphasized this in his refusal to grant extradition of a Negro to Virginia, and his conclusions on this point at least were correct and in conformity with Supreme Court decisions. Incidentally, and as we stated only yesterday, the Massachusetts judge indicated that a trial of a woman in a state where women were barred from jury service would be unconstitutional.. Perhaps the Legislature has read his views and is hurrying to change this possibility.

All women, obviously, would not be amenable to jury service. It would be unreasonable to expect housewives with children to leave their young for such service; and laws applying to women as jurors usually are constructed to take in such and kindred considerations. There may be only a small proportion of women amenable to jury service compared with men, but that small part has the constitutional right to be included upon the panels.

York, Ala., Journal
May 4, 1933

ATTACK ON SOUTHERN JURY SYSTEM

A fight on Alabama's jury law was the main issue during the trial of the negro at Decatur. Leibowitz attacked the legality of our jury system because no negroes were on the grand jury that found the indictments nor on the petit jury that tried the case.

In his address to the jury the New York lawyer appealed to their sense of fairness between the races and asked that Patterson be given the same consideration that would be given a white man under the same conditions. From the reports of his speech at Decatur he complimented the appearance and seeming fairness of the jurors, but after the verdict he was bitter in denouncing them as bigots. After reaching New York he continued and added to his denunciations, by saying "if any one could see these creatures with slits in their faces for mouths, and eyes protruding at you like frogs they could understand why the jury had given their verdict of guilty." This sounds like a squawk of cheap sensational seeking lawyer, and will do injury to the cause of these negroes, and make a fair trial more difficult to be had. However, we have an idea that Leibowitz is more interested in his own welfare, and advancing his ideas of communism than he was in the negro he was supposed to defend. Stirring up race hatreds and strife between the classes is the first objective of the communist and their representatives may be expected to use every opportunity to pursue this end. However much this might benefit the cause of communism it will most surely injure the cause of negroes to be tried, and negroes generally through out the country. Intelligent men of their race ought to realize this fact and see that fair minded lawyers who have judgment, and above all the interests of these negroes at heart, shall conduct their cases in the courts hereafter.

That Morgan county citizens are equal to those of other counties in Alabama cannot be gainsaid. This county's population though mixed, is largely white, its schools are among the best and its record for law observance is equal to most counties in Alabama and the South, for that matter. The crime for which these negroes are being tried was not committed in that county. So it is difficult for the ordinary man to understand why such charges as "bigotry and race hatred" should lie against a jury of that county. Evidently lawyer Leibowitz was highly incensed at his failure to acquit his client and used this charge not only to justify this failure, but to stir race hostility.

Two matters are outstanding in these negro trials, the attempt to break down the Southern jury systems and the stirring up of strife between the races that enjoyed an era of good feeling until negroes were prodded into action by communistic propaganda during the past two years. We hope that reason and good judgment may prevail hereafter among both races, and we shall be spared further trouble from these organizations. But at all costs we need to keep our temper and use our influence to see that justice and fairness prevails. Our state's good name is at stake. Let us be calm in our judgments.

BLUEFIELD HAS FIRST COLORED ON JURY PANEL

Afro-American

Redmond Forces Mercer County to Place Name in Box.

5-20-33

LAWYER RAISED POINT LAST YR.

Baltimore Md.

Indictment Quashed, Defendant Released.

BLUEFIELD W.Va.—For the first time in the history of Mercer County a colored man reported for regular jury service here last week, when Horace W. Meadows, charged with maiming a white man, was tried in the April term of court.

The juror, Isaac Carey, of Bluefield, was in the panel for two juries.

Partial Victory

Although James S. Redmond, attorney for Meadows, regards the placing of the name of Carey in the jury box as a great victory, he will not be satisfied with the drawing of just one juror at each term of court, he told the AFRO-AMERICAN. They must draw a reasonable number if they are not to hear more pleas in abatement, he said.

Redmond began his fight on the exclusion of colored citizens from jury service at the November term of the court in 1932, when five indictments against Meadows were quashed on a plea of abatement and the defendants released.

Again in the January term of the 1933 court when Meadows again came up for trial Redmond renewed his fight and his "Turn 'Em Out Writ" again upset the court procedure.

Put In Names

At the April term when Meadows came up for trial the jury commissioner yielded and placed the names of several colored citizens in the box from which Carey was drawn as one of the jurors. Redmond then made an attack upon errors in the appointment of W. H. Poston, white, as jury commissioner.

Redmond spent more than three hours arguing this point before Judge John M. McGrawth overruled the motion to quash. Meadows then was tried and after a stiff battle in which much of the testimony against him was broken down, he was found guilty of assault and given a ten-day jail term.

Five witnesses appeared against Meadows and gave testimony to the effect that he struck a white man from behind and knocked him unconscious in the sidewalk.

As a result of the attorney's fight on the jury exclusion, at least 15 names of colored citizens were said to have been placed in the grand and petit jury boxes of the Mercer County court.

Huntsville, Ala., Builder
May 12, 1933

NEGROES AND JUDGES

"The matter of systematic exclusion of Negroes from juries in the South is receiving increased attention from the courts. The question has been raised frequently in connection with the Scottsboro case, and if Patterson's conviction is upheld by the Alabama Supreme Court the issue may be carried to the United States Supreme Court.

"A few days ago a Federal District Court in Massachusetts freed on a writ of habeas corpus a Negro who is charged with having committed a double murder in Virginia and whom Virginia is seeking to extradite. The judge contended that inasmuch as Negroes are excluded from juries in Virginia, the decision of the trial court would be reversed by the United States Supreme Court if the accused should be convicted.

"Several months ago a case in Maryland, if memory serves correctly, was sent back because it was held that the practice of exculding Negroes from juries over a long period of time was evidence of discrimination in violation of the Federal Constitution.

"Whether Southern whites like it or not, the practice of systematically excluding Negroes from juries is fast becoming one with which they will more than likely have to deal."—Chattanooga Times.

The publisher of the Community Builder's attention was called to the above editorial that appeared in last Sunday's issue of the Chattanooga Times, and we are indeed very much surprised that the editor of a socalled reputable newspaper printed in the South would permit or allow himself to stoop so low as to cause to be written and published such propaganda as the above.

There is but one construction that can be taken of the above editorial, and that is the writer of such article is an active member of the National Labor Defense Union, and is serving as a disguised member. Impeachment proceedings are now in progress in Washington, against the federal judge in Massachusetts who attempted to free a negro wanted in Virginia for having committed one of the most brutal crimes said to have ever been committed in the South. The ouster proceedings against the Massachusetts judge were filed by a indignant senator from Virginia, and the indications point favorable to his removal from office, and the final return to Virginia of the negro wanted in that state.

NEW BEDFORD, MASS.
TIMES

MAY 14 1933

Jurors in the South

Some one has recalled a statement by Mark Twain that after the missionaries went to the Fiji Islands heathenism existed there only in fact; and has applied this witticism to the situation in the southern states as regards Negroes on juries.

In the case made famous by Judge Lowell, Virginia officials indignantly denied that Negroes are barred by law from jury service in that state. All that happens is that none are ever called. The discrimination, in other words, exists only in fact. Already there are signs of a feeling among influential Southerners that a change is desirable. Virginius Dabney, who has a reputation as a liberal, wrote recently that the Lowell decision had brought many Virginians and other Southerners to a realization that something probably will have to be done about the jury system, and that the attitude of many thoughtful citizens is that it would be wise for the courts to begin calling Negroe juries from time to time.

DEATH PENALTY FOR MURDER

Now that juries are punishing with the extreme penalty where Negroes kill Negroes, Kansas City is going to find out whether it is the law or us that is responsible for so many killings among us. It used to be that the authorities treated murder among us lightly. Certainly they were more lenient than when one of us stole. Politicians actually built up their machines by fronting for killers.

5/20/33

Kansas City Mo.

The conviction last week, with the death penalty attached, is warning to the criminal to leave his weapon behind. It is notice to quarrelling lovers that they must talk it out not fight it out. It forbids the petty gambler to value a little money so highly that he slays to have his way.

For years The Call has maintained its drive against the murder of Negroes by Negroes. We have never had to say a word about Negroes killing whites. The city has been singularly free from that class of crime. We reasoned that the certainty of punishment was the underlying cause, and therefore we have been asking the authorities to do their utmost to convict Negroes who kill Negroes. We have joined with that request an insistence that Negroes bear witness in cases where Negroes are on trial for killing Negroes.

Once the community knows that juries will assess the death penalty, we are sure murder will no longer be common.

Juries - 1933

Issue of Negroes Serving On Virginia Juries May Be Raised In Case To Be Appealed From Corporation Ct. Here

The much publicized issue of whether or not Negroes are excluded from jury service in Virginia in violation of the Constitution of the United States, may be raised in the Virginia Supreme Court of Appeals as the result of two cases to be appealed from Norfolk's Corporation Court No. 1.

6-3-33

The motion was aruged two weeks ago by Ernest S. Merrill, white, and Walter L. Davis, and L. A. Howell, defense council. Benson and Wright are accused of violating city ordinance No. 6574, an emergency measure passed at a special session of City Council last December. The new statute prohibits the holding of demonstrations, parades, or other public assemblies on any public street, highway, or public place under control of the city government without a written permit from the city manager.

Sought to Demonstrate

Benson and Wright were arrested at City Hall last March 4, when they attempted to make speeches during a demonstration sponsored by the Norfolk County Unemployed Council in support of a similar demonstration which was being held in Washington at the time of the Presidential inauguration.

The cases were tried in Police Court March 6 and Benson and Wright were given small fines by Judge R. B. Spindle, Jr., which they appealed. Judge Sargeant stated Friday that he would write out his opinion in the matter later. It was agreed between defense counsel and Jonathan W. Old, assistant city attorney, who opposed the motion to quash the indictment, that one of the cases would be brought to trial some time during the next month and that just enough edivence be taken for purposes of record.

To Lay Appeal Basis

It was pointed out that this would be done in order to allow the defense a basis of appeal to the Virginia Supreme Court of Appeals. Mr. Merrill announced that the case would be appealed. It was also learned that it is quite probable that if Wright's case is brought to trial again, the question of a Negro serving on the jury which tries him will be raised.

There are also two other cases now pending in Corporation Court involving members of the Norfolk County Unemployed Council who are alleged to have violated the new city ordinance. These defendants are Louis Seidman, white, and Rufus Beaverbrook, whose cases have been on appeal from Police Court since last February. When the most recent motion to quash an indictment was argued it was contended by Mr. Davis of defense council that the ordinance was in violation of the city charter in that the city had no specific authority to regulate the use of its public streets and highways.

Held Unconstitutional

Mr. Davis contended further that the new statute was unconstitutional, unsound, and unreasonable, in that it gave a single city official too much power. In rendering his decision Friday Judge Sargeant cited authority to show that the ordinance did not violate the city charter in that the city requires no specific authority to regulate the use of its streets.

In asserting his belief that the emergency ordinance is constitutional, the court cited the case of the People of the State of New York vs. George C. Atwell, which was argued in the New York Court of Appeals November 22, 1921. The case was appealed by realtors from an order of the Appellate Division of the Supreme Court, second department, reversing an order of the special term of Westchester Court.

What Cardozo Said

In this particular case, Justice Cardozo, now a member of the United States Supreme Court, said: "I concur in the result of Judge McLoughlin's opinion. The ordinance is not unconstitutional.

"The wrong, if any, is in its administration. The mayor refused a permit, it is said, because the applicants were Socialists. If that is so, he was guilty of a grave abuse of power."

Shortly after Judge Sargeant made his report on the motion Friday, Benson was sentenced to serve thirty days in jail and fined $50 on a charge of failing to "move on" when told to do so by an officer. The sentence and fine were imposed by Judge James U. Goode in Corporation Court No. 2. For this offense Benson was arrested last February 24, following a demonstration by the unemployed at the Colored Union Mission, 611 Brambleton Avenue.

Judge Gets Telegrams

Benson's punishment had been previously fixed by a jury which, on March 24 convicted him on a warrant appealed from Police Court. At this hearing he was fined $25 and costs. Judge Goode imposed the sentence and fine following arguments on motion for a new trial. Judge Goode revealed that he had been the recipient of three telegrams demanding Benson's release and protesting the "excessive" punishment meted out in the case.

The question of the constitutionality of the "move on" ordinance was likewise raised, but Judge Goode also ruled it is constitutional. He said that, although a person has a right to free speech and to use the sidewalks freely, he does not have the right to disregard the rights of others. The telegrams received by the court were signed by the "White Unemployed Committee of Norfolk," the "City Committee," and the "International Labor Defense."

Exceptions Noted

Exceptions were noted to Judge Good's ruling and Benson posted $100 bond pending an appeal to the Virginia Supreme Court of Appeals. There are several other similar cases either pending in the Corporation Court on appeals from Police Court or on appeals to the state's highest tribunal. The first of these occurred on the night of October 1, 1932, at Church Street and Olney Road when Fred Allen, white, campaign manager for the Communist party, and Rufus Beaverbrook, were arrested and charged with failing to move on when told to do so by an officer.

Another infraction of the ordinance is alleged to have occurred on last November 3 when six persons were taken into custody in the vicinity of the Truitt Real Estate offices on Plume Street and charged with the same offense. They were found guilty of the charge in Police Court the following day and appealed the case to Corporation Court where they were fined three dollars each on January 13.

STAR

Rockford, Ill.

MAY 21 1933

SOUTHERN JURIES

A case which promises to be as hard fought as the famous Dred Scott case and which, like that case, has already had loud reverberations in congress, will come up for hearing in the Boston United States Circuit Court of Appeals this week, the case of the people versus George Crawford, a negro chauffeur. The case will probably go clear up to the United States Supreme court before the legal engagement is closed, and out of it will come a definite understanding of the rights of the negro in jury service.

When the Supreme court sent the Scottsboro case back to the Alabama courts for retrial, the implications were not missed by keen students of law. But they were not brought to a head until the governor of Virginia asked for extradition by Massachusetts of Crawford, charged with a brutal double murder, the Ilsley murders. Friends of the negro sought a habeas corpus writ in the federal district court and Judge James M. Lowell, member of the famous Lowell family of New England, startled the country by releasing the negro, declaring that he would not return Crawford because the Virginia courts barred negroes from jury service and the Supreme court would eventually throw out any verdict against a negro on this ground. Barring of negroes from jury service is in violation of the fourteenth amendment to the constitution.

The state of Massachusetts appealed from Judge Lowell's decision to the United States appeals court, where the case will be heard May 23. Each side has indicated that an adverse ruling will mean an appeal to the United States Supreme court.

Almost immediately after Judge Lowell had given his decision the house of representatives voted 209 to 150 to open an impeachment inquiry into Judge Lowell's action.

The matter that will be explored in the case is of the utmost importance to the conduct of justice both in the south and in many northern communities. The point at issue is a very practical rather than a legal point. In Virginia, for instance, negroes are not barred from jury service. They have served in state courts and they serve in federal courts. In Virginia, as in most southern states, the reason for non-call lies in social custom rather than in law. If the case reaches the Supreme court, the justices will be faced with an interpretation that must true-up with social background. For no legal decision that does not follow social custom will be observed any more than a law will be observed that runs counter to social custom.

It is obvious that the utmost disorder will result if every conviction of a negro by a court which uses an exclusively white jury is to be thrown out as illegal. Somewhere a practical solution must be found. We have avoided the issue for half a century. The importance of the Scottsboro case was in this implication of social difficulty. The Crawford case, destined perhaps to be as important as the Dred Scott case, brings the matter squarely into court.

Bristol, Va., Herald-Courier
May 6, 1933

Negro Jurors.

There has been much criticism by the press in Virginia and elsewhere of the action of Federal Judge Lowell of Boston in the case of George Crawford, a Negro wanted in Virginia on the charge of murder. The criticism is deserved.

The Governor of Virginia issued a requisition for Crawford's extradition and the requisition was honored by the Governor of Massachusetts. But Judge Lowell released Crawford on a writ of habeas corpus, holding that if he were tried and convicted the verdict would be overruled by the Supreme Court because Negroes do not serve on juries in Virginia.

This was a remarkable decision. Even if the Supreme Court had overruled a verdict of guilty in the courts of this or that State on the ground stated by Judge Lowell, he should have permitted Crawford's return to Virginia, useless as the procedure might have been. It was not for him to stand in the way of the orderly processes of law, especially when his action disregarded a plain provision of the Federal Constitution.

Judge Lowell's decision will be appealed to a higher court. In the meantime, what about the attitude of the Supreme Court toward convictions of Negroes in States where members of that race do not serve on juries? There are a number of States in which either law or custom makes Negroes ineligible for jury service. If the Supreme Court is to overrule verdicts of guilty returned against Negroes in those States, appeals from such verdicts are likely to become rather common. It would seem that Virginia and Tennessee and all States should permit Negroes to serve on juries in cases in which Negroes are defendants.

Norristown Pa
MAY 26 1933

NEGROES NAME COMMITTEE ON JURY SERVICE

Bruce Epps, Prominent Among Local Colored Citizens, Appoints Body to Push Plan for Proportional Representation on Panels; His People Throughout County Solidly Behind Move; Approach Task in Proper Spirit; Feel Matter Is Easy of Adjustment

TO SEE COMMISSIONER FOX NEXT WEEK

Decisive action by the colored residents of Montgomery county in their efforts to secure proportional representation on jury lists loomed, last night, when Bruce Epps, 1066 Willow street, prominent leader among his people, announced the appointment of a committee of three to wait upon Jury Commissioner James Fox at Jenkintown, next week, for the purpose of ascertaining why it is that so few of their race are drawn on jury panels.

The committee includes Bruce Epps, chairman, John Jordan and John Wills.

Solidly Behind Move

This move was foreshadowed in an article appearing in a recent edition of The News and in which the sentiment of the colored people was revealed in statements by Mr. Epps and others. A representative of this publication learned, last evening, that colored people in all sections of the county are solidly behind the committee and are determined to see the issue through.

Why They Choose Fox

"We are not going to Mr. Fox with a chip on our shoulders," said Mr. Epps, last night. "We do not believe that he is responsible for the state of affairs that exists. We have chosen him as the logical man to interview at the outset because he is thoroughly familiar with the entire system by which jurors are selected.

"We haven't a thing in the world against any official and we are not inclined to carp on the past. We are quite willing to let bygones be bygones. But we are determined that the name of each and every eligible negro will go into the wheel from which jurors are drawn, and that the drawing shall in no way preclude the possibility of the name of any negro being drawn from it.

Easy Adjustment Possible

"We anticipate nothing but the most courteous treatment from Mr. Fox. In fact, we think that this whole matter can be readily adjusted to the satisfaction of all concerned. We realize that a certain amount of prejudice exists. In this connection we can only point out that the negro of yesterday is not the negro of today. The public schools have done a noble work. We believe that if our white brethren will but give us a chance, we can demonstrate that the average colored person is as capable of fair and impartial weighing and considering of evidence as anyone.

Would Not Abuse Trust

"We approach this matter in peace and we hope to conclude it in the same spirit. However, we are determined to have that to which we are entitled. And we pledge ourselves not to abuse any trust that may be reposed in us."

Prominent negroes, interviewed by representatives of The News, stated that they were well aware of the fact that in the past few of the remarkably small number of colored persons drawn for jury service ever saw service in the box—and intimated that they were aware of the reason for it. "It is unfortunate," said one, "and we can only say that a fair trial will convince any one that no juror need fear discourteous treatment from any negro with whom he chances to be serving at any time. This is 1933, not 1865. Give us a chance to demonstrate the calibre of our citizenship."

NEGRO IS TAKEN FOR JURY DUTY IN LUSK COURT

Retired Colored Mail Carrier Given Place When He Answers Summons.

For the first time since the South was freed from the domination of carpet bag force rule, a Negro was selected as a juryman in Hamilton county on Monday morning.

C. Hawkins, retired Negro mail carrier, who draws a pension from the Federal government, was chosen as a member of the petit jury panel in the First Criminal court, over which Judge C. W. Lusk presides.

Other eleven men of the jury are white, and are A. H. Alley, W. F. Washburn, G. F. Boatfield, J. L. Bragg, L. F. Brown, C. G. Burk, L. L. Burns, John Burton, Hugh Callahan, J. S. Carmack and C. C. Cates.

When the jurors were being qualified, Hawkins' name was called and he appeared before the court. A black Negro, his appearance for jury service was a complete surprise to everyone in the courtroom. However, he presented his credentials that showed him to be a qualified juror, and Judge Lusk directed him to take his seat in the jury box. He, with the other jurors on the panel, was accepted and the call of the docket began.

The first case called was that of John Williams, colored, charged by Detectives Tom Gillespie and Glenn Holleman with robbery of the home of J. S. Pickell.

Williams was represented by Will Trout and the State by Fred Ballard. No objection to Hawkins was offered by either representative of the State or the defendant. In fact, no comment at all was made in open court, though there was a lot of comment among the lawyers and other attendants in court.

At the conclusion of the State's evidence, Mr. Trout moved for a directed verdict, but this was overruled and the trial proceeded. The case was pending at the noon hour of adjournment.

Local attorneys recalled that Federal Judge Lowell of Massachusetts was recently cited for impeachment in Congress because he had refused to send a Negro to Virginia for trial on the ground that Negroes were not permitted to serve on Virginia juries. The Negro was wanted for murder.

BAR NEGRO JUROR FROM TRIAL OF WHITE DEFENDANT

Daily Worker
6-8-33

Had Sat in Panel Which Tried Negro

CHATTANOOGA, Tenn., June 7.—R. C. Hawkins, a retired Negro mail carrier on a federal pension, who yesterday was permitted to serve on Jury No. 1 trying a Negro on a charge of receiving stolen goods amounting to $60, was dismissed when the jury was about to hear a case against a white man.

When this case, involving a charge of non-support against Fred B. Spriggs came up, Assistant Attorney-General Fred Ballard "excused" the Negro from the panel. An extra juror was substituted and the case went to trial.

The selection of Hawkins to serve on the jury in the first trial where the Negro defendant was convicted, broke a 40-year precedent. Ths was the first instance of a Negro juror being picked since the Reconstruction days

The "Chattanooga Times," published by Adolph S. Ochs, publisher of the New York Times, declares that the question of Negroes serving on juries has been extremely agitated in the South recently, having been raised by the International Labor Defense counsel in the Scottsboro and other radical cases.

Juries - 1933

PETERSBURG, VA.
PROGRESS-INDEX

Jury Service

SEP 25 1933

A Bit of History

Editor, Progress-Index,
Dear Sir:—

In last Thursday's issue of Th Progress-Index, there appeared i the People's Column a communica tion from Mr. R. G. Bass citing th Bossy Patterson case of some year ago as a precedent that the Unite States Supreme Court did not a ways recognize the validity of th plea of discrimination against Ne groes for jury service. This pla was not effective in the Patterso case because it was never used i that particular instance. At tha time, during the close of the case I was editor, reporter and severa other things connected with the pub lication of a weekly newspaper This connection admitted me to th inner councils of the Patterson de fense, and as a result I was able t get an angle that even Mr. Bas could not possibly have gotten. Th facts concerning the "Negro Jurors' plea is authentically as follows:

When it was definitely decide that the case would be taken to th United States Supreme Court, th defense counsel in the case heade by the late W. F. Denny, called a conference of those who were sup porting the move. At this confer ence it was decided that for reason of policy, it would be expedient t have the brief submitted to the Su preme Court by a prominent an influential white attorney. The gen tleman selected to do this was Mr W. H. Hank, former assistant com monwealth's attorney of Richmon Mr. Hank thought well of the "Ne gro Jurors" plea and decided to us this as his trump card. This wa in June, 1924. In the meanwhil Mr. Hank died suddenly—to be ex act, July 30, 1924. This event le the defense in a quandary. How ever, it was decided at a hurry con ference that the program would no be changed, and another white law yer was engaged. This gentleman after reviewing the case, decide that the part of wisdom would b to hold the race issue in abeyanc and fight for a reversal on severa other counts which appeared goo to all concerned. Thus the "Negr Jurors" item, so much discusse died in the white attorney's offic in Richmond. The brief as submit ted to the United States Suprem Court with this feature omitted, i the opinion of the court, did not in volve any constitutional right of th defendant, and therefore it had n jurisdiction. Had the "Negro Ju rors" item remained, this plea woul have been, in my opinion, ground for another trial for Patterson. The attorneys in the case admitted their mistake in not including it.

Shortly after the Patterson case the United States Supreme Court upheld a similar contention in the Elaine Riot case. Recently anoth er decision upholding this claim has been handed down. Now, Mr. Edi tor, as a student of current events in their relation to the race issue, I have reached the conclusion that the New South is more a creature of custom than of prejudice where the Negro is concerned. When it finds that a custom in this respect is unfair or unpopular, it gracefully abandons it. For example, I cite the Washington and Richmond resi dential segregation appeal cases and the Texas and Louisiana primary voting cases. Now the "Negro Ju rors" question comes in the same category as the foregoing and there is little doubt that it will result not one whit differently. A case in point is that of the Hanover judge who fined a white juror $10 for re fusing to sit with a Negro, made him pay the fine and dismissed him from service.

I thank you,

A. B. MACKEY.

PETERSBURG, VA.
PROGRESS-INDEX

SEP 20 1933

Negro Jurors

EVERY thoughtful Virginian must approve the action of Judge Frederick W. Coleman, of the Circuit Court of Hanover county, in imposing a fine of $10 for contempt of court upon a white man who refused to serve as a grand juror because of the presence of two Negroes on the jury. The man fined told the court he did not have the money with which to pay and the judge was on the point of sending him to jail for two days when friends intervened and paid the fine.

It is unfortunate that the court found it necessary to proceed in the manner in which it did, but there can be no question as to the justice and the wisdom of Judge Coleman in this relation. It is not likely that the man who refused to render grand jury service because of the presence of Negroes on the jury will be allowed to sit on a grand jury in Judge Coleman's court.

Richmond lawyers, according to *The Times-Dispatch*, are of the opinion that Virginia Circuit judges generally will follow the precedent set by Judge Coleman. It is hard to see how a judge with a proper conception of the dignity of his court, could permit a citizen summoned for grand jury service to decline such service on the ground that a Negro likewise had been summoned to serve as a grand juror. It is known that Judge Wilson, of the Hustings Court of Petersburg, contemplates summoning Negroes for grand jury service. Judge Wilson does not anticipate any objection on the part of white men thus summoned nor do we.

The general assembly at the regular session next year almost certainly will be called upon to amend the law governing the selection of trial jurors. The present law provides that these shall be selected from a list made at the beginning of each year by commissioners appointed by the judge. Unless the commissioners put the names of Negroes on such list, there is no way whereby they can be summoned as petit jurors.

Decisions of the United States Supreme Court seem to require that Negroes be called for jury service, otherwise convictions of Negroes charged with felonies will be reversed. Up to 30 years ago or such a matter, Negroes did jury service in Virginia.

LYNCHBURG, VA.
NEWS

SEP 24 1933

NEGROES ON JURIES

A Hanover farmer who recently declined to serve on a grand jury because of the presence of a Negro and who was fined for contempt by Judge Frederick W. Coleman of that judicial circuit has caused considerable comment throughout the state. Most, if not all the comment has been favorable and some of it has led to discussion of the question of calling Negroes to serve. For instance, the Norfolk Virginian-Pilot, observes:

> There can not be any doubt now that in Virginia at least the status of Negroes with respect to jury duty is undergoing a change. Prior to Judge Coleman's salutary action, two judges in Richmond, John L. Ingram and Ernest H. Wells, announced their intention to call Negroes for service on grand juries. Judge Coleman has now gone a step further. The three have broken into new ground which, while touched occasionally in the past, has generally been avoided as though it were littered with high explosive. No detonations followed the action of the Richmond judges, and Judge Coleman, we are confident, will not be charged with promoting a revolution in our judicial system.

To people in this part of Virginia the excitement is not understandable. Only a few days ago a Negro served on a grand jury in Judge Halsey's Campbell county circuit court, and the only reason his presence was noted was that among those indicted was a Negro accused of a particularly brutal murder—since sent to an asylum—who had become the object of solicitude on the part of a few imported radicals who set up the absurd pretense that the white people were trying to "railroad him". There was no other reason for comment, for Negroes have served on grand juries in this section before. Here in Lynchburg, if it has not been a custom it has at least been a frequent practice. All familiar with Judge Christian's corporation court for the last quarter of a century and more have become accustomed to see one or two Negroes on grand juries there.

So, if "the status of Negroes with respect to jury service is undergoing a change" it is not noticeable in this part of the state. That "revolution" was accomplished thirty years ago in Lynchburg and has been effective in at least some of the surrounding counties for a shorter period of time, perhaps, but long enough to be taken as a matter of course. The News is, inclined to believe that it isn't such a novelty in some other sections.

SIX COLORED JURORS MAKE INITIAL BOW

Clipped 10-7-33 Richmond, Va.

3 Barbers, 2 Insurance Executives And A Fraternal Leader First Race Men Serving On Juries In New Deal

The opening of Richmond's criminal courts here this week for the fall terms saw colored men on the juries for the first time in many years. In the United States District Court last monday morning, with Judge Luther B. Way presiding, a grand jury was impaneled with Edward F. Johnson of the Richmond Beneficial Insurance Company, and R. B. Sampson, prominent barber and chairman of the Negro Barbers' Association, served during the deliberations of the grand jury, which indicted fifteen violators of the Federal laws.

In Hustings court, Judge John J. Ingram swore in Charles Hemmons, barber in the Walter Peyton shop and who lives in North Fifth Street, along with the other members of the grand jury, and he acted upo nthe 222 indictments, 211 of which were returned to the court later in the day as true bills.

In Hustings Court, Part II., W. C. Scott, proprietor of the Scott barber shop on Ninth Street near Main, and a resident of North Third Street, served on the grand jury for South Richmond. William N. (Commonwealth Club) Rush was called for the United States grand jury and appeared, but was excused at his request. A. W. Holmes, supreme master of the National Ideals, and Booker L. Jordan, secretary-manager of the Southern Aid Society, were called for service on the petit jury in the United States court Wednesday.

The Hustings court is faced with eight murder indictments this term.

Reports from Arkansas indicate that the Federal courts throughout the South will use colored jurors for both grand and petit juries. Colored men are serving in Arkansas an dother Southern States, beginning the fall terms, and it seems to be a settled policy to use them regularly. The International Labor Defense's fight in the Scottsboro cases and the fight waged by the National Association for the Advancement of Colored People in the Crawford case, especially the decision of Judge Lowell during the extradition hearings in the Crawford case, are assigned by race leaders as the cause for the sudden acquisition of colored jurors in the Southern trial systems.

PETERSBURG, VA.
PROGRESS-INDEX

SEP 21 1933

Mixed Juries

IN A COMMUNICATION published today, Robert G. Bass, clerk of the Hustings Court, expresses the opinion that the Virginia law respecting juries should not be changed so as to permit jury service by Negroes. Mr. Bass has had long experiences with juries and his opinion on this subject is fully entitled to the respect which we accord it. Nevertheless, Mr. Bass seems to have failed to catch the trend of Southern legal opinion on this subject. Southern lawyers and publicists are realizing the "social advisability," if not the justice of extending to Negroes the privilege of jury service. This has been especially apparent since the issue was raised in the recent Scottsboro case in Alabama. In our opinion, it is a movement which is certain to develop strength with time.

Of course, the constitution of the United States does not require that Negroes be summoned for jury service. But it is true the Supreme Court has reversed convictions of Negroes in several cases which came up from States in which Negroes are systematically excluded from juries.

We believe we are approaching the time when Negroes throughout the South will be required to render jury service. The Norfolk *Virginian-Pilot*, recognizing the approach of such time, expressed the opinion only this week that "it would have "been better if the change had come about through our own "sense of fairness and not after a *cause celebre* (the Scotts-"boro case), which reflects in some degree on the judicial "processes throughout the South."

Negroes cannot be summoned for jury service in Virginia so long as the present law governing the selection of jurors remains on our statute books. The law undoubtedly will be changed, sooner or later.

Northern Va. Daily
Front Royal, Va.

SEP 19 1933

NEGROES ON JURIES

(Free Lance-Star)

Although the custom of including negroes on juries is an innovation in this section it is not new in Virginia.

Twenty or twenty-five years ago when the late Judge Clopton presided over the Corporation Court of the city of Manchester, juries called there nearly always included negroes.

For some reason the custom was abolished, but it is rather singular that Judge Ernest H. Wells, of the Richmond Hustings Court, Part 2, which is what the old Manchester Court became when Manchester became South Richmond, was among the first of the jurists in Virginia to re-establish the practice. Judge Wells succeeded Judge Clopton to the bench. Prior to that he was Commonwealth's Attorney of Manchester and practiced in the courts in which Judge Clopton used negro jurymen.

If memory and reports be correct, the inclusion of negro jurymen on the old Manchester juries was satisfactory. The negroes served with fairness, justice and ability, it is said. Their fellow white jurymen found that they made no attempt to protect members of their race but dealt with each case that came up strictly on its merits. The relations of the white and colored jurymen serving together were pleasant.

It doubtless will be found that the plan will be satisfactory in this section and it is only justice to the negro race that their members have some say in the operation of our laws, which affect them in as great a degree proportionately as they do the whites.

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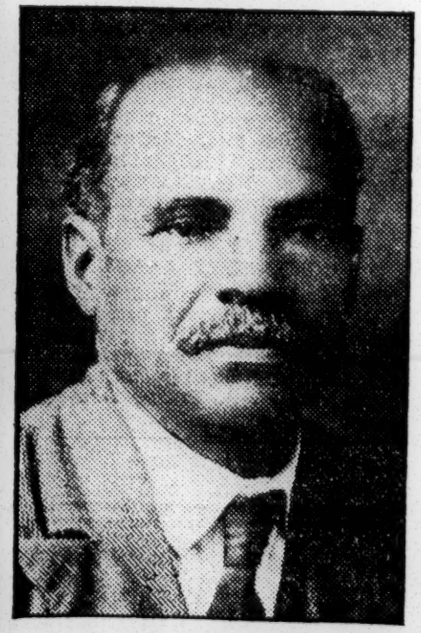
Juries-1933

Called For Jury Service

A. W. HOLMES

B. L. JORDAN



E. F. JOHNSON

R. B. SAMPSON

These well-known citizens of Richmond will serve on the juries for the October term of the United States District Court when it convenes in the Virginia capital. Messrs. Johnson and Sampson were called for grand jury service, while Messrs Jordan and Holmes are on the petit jury panel. (Story on page 1).

Grand and Petit Juries 9-30-33

Chattanooga, Tenn.
TIMES

SEP 21 1933

NEGROES ON JURIES.

In most Southern States Negroes have been barred from serving on juries, not by law but by custom. In other Southern States they have served so rarely that the appearance of a Negro on a jury has caused a sensation. This state of affairs seems to be in the way of changing, as a result of comparatively recent agitation and court actions relating to the barring of Negroes from Southern juries.

Not so many months ago a Maryland case involving a Negro was sent back because it was shown that Negroes had been habitually barred from service on juries in the trial court. The subject has been agitated in connection with the Scottsboro case. More recently a Federal judge in Massachusetts granted a writ of habeas corpus to a Negro murderer for whom the State of Virginia had obtained extradition papers.

The judge who granted the writ held that it would be useless to return the Negro, as Negroes were not permitted to serve on Virginia juries, which would result in refusal of the United States Supreme Court to uphold the verdict should the accused be convicted and the case appealed. This decision was over-ruled by the Circuit Court of Appeals, and the Negro in the case is being held in Massachusetts pending action by the Supreme Court.

Meanwhile, Virginia judges have taken cognizance of the situation and a number of them have announced their intention of including Negroes in juries, especially when the defendants are Negroes. That the movement is not an altogether popular one was indicated by the fact that a farmer recently paid a $10 fine for contempt of court at Fredericksburg rather than serve on a grand jury with two Negroes.

The attitude of the Virginia farmer was unfortunate for the cause of race relations, but it will hardly halt the spreading movement to include Negroes in juries. Distasteful as the idea may be to some, circumstances are working toward such recognition of the race. Commenting on the practice of barring Negroes from juries, the Bristol Herald-Courier says: "The custom should be abandoned, not only because there is no good reason for this discrimination, but because of the attitude of the United States Supreme Court toward convictions of Negroes in States where the discrimination is practiced."

Lexington, Va. Times
September 21, 1933

REFUSAL TO SERVE WITH NEGROES ON JURY COST $10.

Richmond, Sept. 18.—Wellford Gillman, Hanover county farmer was fined ten dollars today by Judge Frederick W. Coleman in the circuit court of that countyy for refusing to serve on a grand jury because court had selected two colored persons for service on the jury.

When Gillman told the court that he had no money to pay the fine, Judge Coleman sentenced him to two days in jail, At this juncture, friends of Gillman came forward and paid the fine, thus saving him from a jail sentence.

Judge Coleman is one of several Virginia judges who have decided to call negros for jury service as a result of the refusal of Federal Judge Lowell of Boston to permit George Crawford, colored, to be extradited from that city ti Virginia to answer the charge of murdering Mrs Agnes Boening Ilsey and her maid, Mrs Mina Buckner, in their cottage in Middleburg, after Crawford's counsel had charged colored persons were denied the privilege of jury service in Virginia and could not get a fair trial in its courts.

The Federal Circuit Court of Appeals, it will be recalled, reversed Judge Lowell with the result that the case was appealed to the United States Supreme Court, where it is now pending.

Impeachment demands were made subsequently against Judge Lowell in the National House of Representatives by Representative Howard W. Smith, of Alexandria, as a result of his criticism of Virginia justice.

NORFOLK, VA.
VIRGINIAN-PILOT

SEP 24 1933

NEGRO JURORS

From the Petersburg Progress-Index.

Every thoughtful Virginian must approve the action of Judge Frederick W. Coleman, of the Circuit Court of Hanover County, in imposing a fine of $10 for contempt of court upon a white man who refused to serve as a grand juror because of the presence of two Negroes on the jury. The man fined told the court he did not have the money with which to pay and the judge was on the point of sending him to jail for two days when friends intervened and paid the fine.

It is unfortunate that the court found it necessary to proced in the manner in which it did, but there can be no question as to the justice and the wisdom of Judge Coleman in this relation. It is not likely that the man who refused to render grand jury service because of the presence of Negroes on the jury will be allowed to sit on a grand jury in Judge Coleman's court.

Richmond lawyers, according to The Times-Dispatch, are of the opinion that Virginia Circuit judges generally will follow the precedent set by Judge Coleman. It is hard to see how a judge with a proper conception of the dignity of his court, could permit a citizen summoned for grand jury service to decline such service on the grund that a Negro likewise had been summoned to serve as a grand ju

It is known that Judge Wilson, of the Hustings Court of Petersburg, contemplates summoning Negroes for grand jury service. Judge Wilson does not anticipate any objection on the part of white men thus summoned nor do we.

The General Assembly at the regular session next year almost certainly will be called upon to amended the law governing the selection of trial jurors. The present law provides that these shall be selected from a list made at the beginning of each year by commissioners appointed by the Judge. Unless the commissioners put the names of Negroes on such list, or such a matter, Negroes charged with trere is no way whereby they can be summoned as petit jurors.

Decisions of the United States Supreme Court seem to require that Negroes be called for jury service, otherwise convictions of those charged with felonies will be reversed. Up to 30 years ago Negroes did jury service in Virginia.

Sentiment Favorable To Use Of Mixed Juries Increasing

Federal Court Calls Favor Colored Men For Jury Service In Richmond; State Court In Petersburg To Follow Suit

Richmond Bureau
504 N. Third St.

RICHMOND, Va.—When the October term of the United States District Court convenes here, colored men will serve on both the grand and petit juries.

Those summoned for grand jury service are E. F. Johnson and R. B. Sampson. Those called for the petit (trial) jury are Booker L. Jordan and A. W. Holmes.

Twenty-three men in all were called for the grand jury panel, while 31 were summoned for the trial jury panel. Those called for the two bodies include citizens from Richmond, Petersburg, Tunstall, Barhamsville, Buffalo Junction, West Point, Beulahville, New Kent, and Quinton.

Prominent Men Selected

Mr. Jordan is secretary-manager of the Southern Aid Society of Virginia, Inc., a member of the board of directors of the Consolidated Bank and Trust Co., and a member of Ebenezer Baptist Church. Mr. Holmes is supreme master of the National Ideal Benefit Society, a member of the Independent Order of St. Luke and other fraternal bodies, a director of the Consolidated Bank and Trust Company, and a member of the First Baptist Church.

Mr. Sampson is owner and operator of two barber shops and a beauty parlor on North Second Street, an executive board member of the Colored Barber's Association in Virginia, member of the executive committee of the Interracial Barber's Association of Richmond, and president of the Richmond Beauty Parlor Operators Association is a member of Leigh [illegible] E. Church.

Non[illegible] Henrico Jury

Mr. Johnson is connected with the Richmond Beneficial Insurance Company, of which he was one of the founders, and served for eight years as president, vice president, and director of the Consolidated Bank and Trust Company. He is a member of the deacon board of Second Baptist Church. Mr. Johnson owns considerable real estate in and around Richmond and holds a substantial number of shares of stock in the company by which he is now employed.

The grand jury list for the October term of Henrico County Circuit Court, to be called October 2, was announced Monday from the court clerk's office. There are usually Negroes on the grand jury of this court, it is stated, but for the coming term there will be none on either the grand or petit juries.

Called In Lynchburg

PETERSBURG, Va.—According to information published in the Progress-Index, Lynchburg uses colored grand jurors. The information is contained in a letter to the local newspaper from Charles P. Beazley, of Lynchburg, who writes that "the apparent problem has been solved satisfactorily in some sections of Virginia, of which Lynchburg is one."

His letter then goes on to state:

"The late Judge Frank P. Christian early during his tenure decided it was only fair and just that a Negro have some part in trials, since each man is to be tried and judged by a jury of his peers, so to speak. Here, as in Petersburg, Negro defendants are numerous on the dockets. Judge Christian had a Negro sit as a grand juror to consider the presentments and aid in determining whether indictments should be returned. For years this has been the custom here and it has worked very satisfactorily to both races. Its inception caused virtually no comment and the practice has long since been recognized as fair.

"Not only does the Negro grand juror pass upon bills involving members of his own race, but those ci[illegible] the white defendants as well. Of course this custom has no bearing on the petit or trial jury, but it does allow the Negroes privileges."

Meanwhile, favorable sentiment for the inclusion of colored men on juries, being increasingly expressed by judges, newspapers, and leading citizens, was voiced last week by the Progress-Index, which declared: "Every thoughtful Virginian must approve the action of Judge Frederick W. Coleman, of the Circuit Court of Hanover County, in imposing a fine of $10 for contempt of court upon a white man who refused to serve as a grand juror because of the presence of two Negroes on the jury."

The Petersburg paper went on to say that "It is known that Judge Wilson, of the Hustings Court of Petersburg, contemplates summoning Negroes for grand jury service. Judge Wilson does not anticipate any objection on the part of white men thus summoned, nor do we."

It is generally believed that Virginia Circuit judges will follow the precedent set by Judge Coleman and the judges of the two Richmond Hustings Courts, in calling Negro grand jurors. That they will soon be called for petit (trial) jury service is also indicated by the following editorial statement in the Progress-Index:

May Amend Law

"The General Assembly at the regular session next year almost certainly will be called upon to amend the law governing the selection of trial jurors. The present law provides that these shall be selected from a list made at the beginning of each year by commissioners appointed by the judge. Unless the commissioners put the names of Negroes on such list, there is no way whereby they can be summoned as petit jurors.

"Decisions of the United States Supreme Court seem to require that Negroes be called for jury service, otherwise, convictions of Negroes charged with felonies will be reversed. Up to 30 years ago on such a matter, Negroes did jury service in Virginia."

Summary of Situation

Negroes have already been called in Stafford and Hanover Counties, where they have not been used on juries in many years, by Judge F. W. Coleman, who indicated that he will also call them for the Corporation Court grand jury in Fredericksburg, and in the Circuit Courts of King George, Spotsylvania, and Caroline Counties, over which he also prelides.

One or more Negroes will be on the October grand jury of both Hustings Courts in Richmond, as announced early in August. Judge John L. Ingram said last week he expected there would be one or two on the grand jury of his court, and Judge Ernest H. Wells said there would be at least one on the grand jury in his court.

Norfolk Courts Wait

Negroes will not be called for grand jury service in Norfolk, for the present, it was announced last week by Judge William H. Sargeant of Corporation Court No. 1, and Judge James U. Goode, of Corporation Court No. 2, in a joint statement. The list of grand jurors is completed and is operating most efficiently, they explained, and there will be no change in its personnel unless it develops that such a change would increase the efficiency of the body or a change is ordered by some higher authority. The grand jury list now being used has been in force for two years.

Judge Luther B. Way, of the U. S. District Court, was not in Norfolk Wednesday and Major Clinton L. Wright, clerk of the court, was not in his office during the time the Guide sought to interview them. An attache in his office said, however, that the next grand and petit jury lists for the Norfolk sitting of the Federal court, in November, will be drawn about the middle of October

Federal Court Here

It was not definitely known whether Negroes would be called. In the recent past colored men have served on both grand and trial juries in the U. S. District Court here. It is reliably understood, however, that they will be called here for the next term of Federal court.

In Alexandria, Va., early in the summer, a Negro grand juror was called after defense counsel in a case there threatened to raise the point that the constitutional rights of their client were being violated if Negroes were excluded because of their race and color.

Judges in many other cities and counties in the state have signified that they have the question of having mixed juries under favorable consideration.

RICHMOND, VA.
TIMES DISPATCH

SEP 19 1933

Negro Grand Jurors

IN his action yesterday at Hanover Courthouse, JUDGE FREDERICK W. COLEMAN made it plain that, hereafter, there will be no discrimination against Negroes as grand jurors in the courts of his circuit.

This determination is in line with that of JUDGES JOHN L. INGRAM and ERNEST H. WELLS, both of whom have announced that they will include representative Negroes on the grand juries of their courts. This attitude on their part has elicited approving comment from many sections of the State.

JUDGE COLEMAN let his conclusion be known in no uncertain terms. A white citizen who objected to jury service with Negroes was fined for contempt of court. This was a proper warning from the judge that he would tolerate no rebellion against his decision in this matter.

We think public opinion generally will be on the side of JUDGE COLEMAN. The danger to a system of justice which does not recognize Negroes in its deliberations has been sharply emphasized in the case of GEORGE CRAWFORD.

This man, a Negro, was indicted in Loudoun County for a double murder. The governor of Massachusetts, where CRAWFORD was arrested, honored a request for extradition, but FEDERAL JUDGE LOWELL granted the prisoner a writ of *habeas corpus*. This action, however, was overruled by the Circuit Court of Appeals, and the case now is pending in the highest tribunal in the land.

JUDGE LOWELL'S decision was based on the fact that Negroes are not called for jury service in Loudoun County, and, therefore, the case against CRAWFORD may have been prejudiced. Regardless of the soundness or unsoundness of his action in voiding extradition, the jurist, nevertheless, pointed to a sore spot in the Virginia system of justice. Negroes, after all, are citizens of this State, and as such, they have the right to share the duties and responsibilities of citizens.

JUDGE COLEMAN is right, as are JUDGES INGRAM and WELLS. There is no better time than the present to cure a sore spot which has brought to Virginia much unfavorable publicity.

Marion N. C. News
September 22, 1933

MAN REFUSES TO SIT ON JURY WITH NEGROES

Fredericksburg, Va. — White men who refuse to serve with negroes on grand juries will be fined for contempt of court or spend the time in jail in default of payment, so far as Judge Frederick W. Coleman of Fredericksburg is concerned.

The presiding jurist of the 150th judicial circuit set this precedent in Hanover county circuit court when he held Wellford Gilman, farmer, in contempt.

Gilman declined to serve on a grand jury on which were two negroes. He was told by the court he would have to serve, pay $10 fine or go to jail for two days. Gilman paid the fine.

This case was the first in Virginia since the various circuit judges announced ,as an aftermath of the George Crawford extardition case between Virginia and Massachusetts, that mixed juries were to be drawn to act on indictments.

Juries-1933

Progress of a Social And Legal Revolution

TWO lawyers of the race, appearing as counsel for the defense in Superior Court, Henderson, North Carolina, enter a motion to quash the indictment because no Negroes were on the grand jury. The motion was overruled and the lawyers stoned and fired upon when they left the courtroom. The court was informed of the attack upon the lawyers; it summons them and provides police protection. They proceed with the trial.

An able white lawyer associated with them refuses to join in the motion to quash the indictment on the jury issue on the grounds that it "injected the race issue," but enters motion for change of venue to another county. Motion overruled. Two other white lawyers, retained to defend one of the men, withdraw when jury issue is raised, leaving this defendant without counsel. Another white lawyer steps up and takes the case.

The Raleigh *News and Observer*, lately very fair and outspoken against lynching, deplores the raising of jury question by colored lawyers, saying: "It is well known that North Carolina juries are composed of white men. Not for years has a Negro sat on a jury in North Carolina, but there has been no complaint of injustice, for that reason."

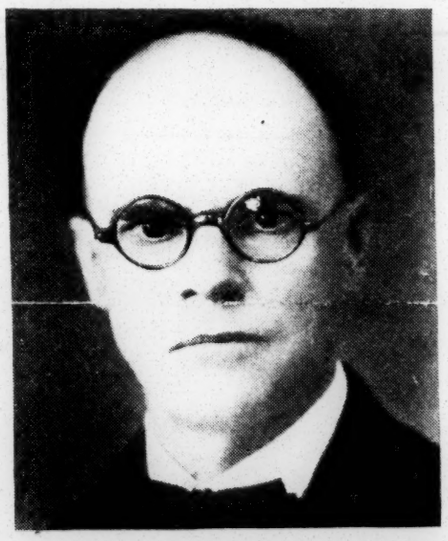
"No complaint of injustice." None that the *News and Observer* has heard, until the intrepid lawyers raised the question at Henderson. Has the *News and Observer* forgotten the Alvin Mansell case, from Asheville? Has the *News and Observer* forgotten that it joined, finally, in the state-wide plea to the governor to save the life of this innocent 17-year-old boy, who was tried by a white jury and sentenced to death in the electric chair upon the testimony of a white woman who later recanted? Has anybody in North Carolina heard of a grand jury bringing an indictment against any member of a lynching mob, except in the Asheville case?

That there have been no complaints of record does not mean that there have been no injustices. Justice for the Negro has been a relative term. Justice has had two standards, one for white, another for black. What has held good in judicial processes as justice for black men has been instantly rejected as justice for white men. What the two race lawyers were trying to do in Henderson was to even the scales of justice. They were writing another chapter in the social and legal revolution that is slowly but surely encompassing the South.

Literary Digest
N.Y.
OCT 7 1933

Negroes on Virginia Jury

A step of far-reaching importance in the racial readjustment going on in the South is the action of Judge Frederick W. Coleman of Fredericksburg, Virginia, in convicting a white farmer of contempt of court



Judge Frederick W. Coleman

for refusing to serve on a grand jury, two of whose members were Negroes. This is the first time in thirty years that Negroes have been summoned for jury duty in Virginia, and it is said that the example of the Fredericksburg jurist will be followed throughout the State. Judges John L. Ingram and Ernest H. Wells, of the two criminal law courts in Richmond, had previously decided to include representative Negroes on grand juries in their courts, beginning with the October terms. Trial jury lists are made up by jury commissioners and the lists for 1933 are already drawn. Grand jury lists, however, are selected by the judges.

The action in the Fifteenth Judicial Circuit, over which Judge Coleman presides, is the first of its kind to arise in the Old Dominion since various circuit judges announced, as an aftermath of the historic case of George Crawford, that mixed juries would be drawn to act upon indictments.

"You will have to serve or pay a fine of $10 for contempt of court," Judge Coleman ruled against the recalcitrant farmer. The farmer was without funds, and the fine was paid by friends.

George Crawford, it will be recalled, is accused of the murder of Mrs. Agnes B. Ilsley and her maid, Mina Buchner, in Middleburg, Loudoun County, Virginia. He was arrested in Boston, and the Governor of Massachusetts honored a request for his extradition to Virginia. Federal Judge James Lowell, however, granted the prisoner a writ of habeas corpus on the ground that Negroes do not serve on juries in Virginia. Judge Lowell's decision was overruled by the Circuit Court of Appeals, and the case is now pending before the Supreme Court of the United States.

Tho Judge Coleman's action is a radical departure from familiar practise, it is said by the Richmond *Times-Dispatch* to have elicited approving comment from many sections of the State. Regardless of his decision in voiding extradition of Crawford, Judge Lowell, nevertheless, "pointed to a sore spot in the Virginia system of justice," comments the Richmond newspaper. "Negroes, after all, are citizens of this State, and, as such, they have the right to share the duties and responsibilities of citizens."

In Contempt

Willford Gilman, a white man, who is more than probably one of the professional talismen, under the old Lilly White jury system which has obtained in this State for the past thirty years, refused to sit on a grand jury on which panel two Negroes were included. This is indicative of the brand of justice which Negroes have been receiving in Virginia under the old all-white jury system.

Planet

How could a man like this, whose color prejudice and race superiority egotism were so deeply embedded, ever judge truly between the State and the Negro defendant and render a verdict based solely upon law and evidence?

9-30-33

Is it not all too apparent that under the psychology responsible for the Lilly White jury system, even handed justice was a myth and the constitutional guarantee of the right of trial by a jury of one's peers merely a high-sounding platitude?

Richmond Va.

Judge Frederick W. Coleman held the man in contempt, fined him $10 and threatened to put this Virginia hillbilly in jail. The judge deserves commendation for his determination to uphold the mandates of his court in such a touchous matter for an attempt by any white man, be he judge or not, to maintain the rights of Negroes in Virginia involves a hazard.

The Richmond Planet is inclined to feel, however, that the penalty imposed was far from being stern enough. The publicity the man has received and the notoriety he has gained as a champion of white superiority and supremacy entirely offsets the meager fine. Regrettable as the fact is, this type of race baiting is often rewarded with political prestige and preferment in Virginia. The alternative of serving on the jury or going to jail for a long term would have discouraged such grandstand plays by Negro-hating white men and taught this offending hillbilly some sense.

Brooklyn, N. Y. Eagle

OCT 12 1933

Negro Jurors Not Essential.

Buried in a mass of 307 orders is a decision without opinion by the Supreme Court of the United States in which that tribunal seems to settle the constitutional law on an issue which the court did not choose to consider in the Scottsboro cases. It refuses to review the case of Euel Lee, alias Orphan Jones, of Ocean City, Md., a Negro convicted of murder and sentenced to death. He must die. The plea on his behalf that he was indicted by a grand jury and tried by a petit jury on neither of which were Negroes allowed to serve is ignored. Which means that in the judgment of the Court of Last Resort Negro jurors are not essential to the preservation of the civil rights of accused Negroes in any State.

The Eagle has said and believes that this question is an academic one. Granting a state of public feeling involving a real menace of lynching, a grand jury or a petit jury might be made up wholly of Negroes and the outcome would be the same. No juryman, white or black, is going to run the risk of being lynched himself in defense of anybody else's rights. That is human nature. Logically and ethically, human nature is often indefensible.

Nevertheless, the legal or practical exclusion of Negroes from the jury panels is regrettable wherever it exists. It does have a grave effect of race discrimination in civil and in minor criminal cases. The Negro who under provocation strikes a white man, for example, is not treated equally with the white man who under provocation strikes a Negro. And the white man who swindles a Negro is likely to get off easily. Fairness is made impossible. Which is one among several main causes of the migrating of Negroes to the North. Fear of flogging parties and lynching parties, the wretched neglect of schools for the children of colored people, "Jim Crow cars" and other wrongs have done much to overcome the Negroes' reluctance to face a harsh climate north of Mason and Dixon's Line.

YET IN CONTEST

A white man down in Virginia who had been paneled as a juror refused to serve after learning that a Negro was on the panel. It appears that this man did not attempt to ascertain any thing about the qualifications of the Negro, but bluntly told the judge that he refused to serve with a Negro on a panel. Whereupon, the judge fined the man ten dollars for contempt of court.

Argus 10-6-33

We think that the judge was right in holding the man for contempt of court, but the punishment which is supposed to be remedial was of the wrong sort. To fine a man for contempt of court, allowing him to walk out while his friends and attaches of the court raise the money to pay the fine, is contempt upon contempt, the latter being worse than the former. This fine and the conduct which followed took on the form of mockery. Whether the judge was in earnest or not, we are not able to say; but we do know that his punishment was inadequate. What should have been done, under the circumstances, was a commitment "from now on" until the man made up his mind to respect the court. The judge had just as much power to commit the man until he came to his senses as he had power to fine him ten dollars.

This is the first case of its kind which has been called to our attention. It should have been dealt with in such a way as to warn others who may be like-minded. If one hundred persons had placed a dime to cover the fine of this man then Judge Fredrick W. Coleman has made one hundred potential contempters of court who are just waiting the chance to do the same thing; but on the other hand, if Judge Coleman had committed this first offender "from now on," a different chapter in the history of Virginia courts would have been written and such contempts would be ended forever.

Raleigh, N. C., News & Observer
October 18, 1933

NEGROES DRAWN FOR JURY DUTY

Called For Service Yesterday When U. S. Court Opened at Wilson

Wilson, Oct. 17. — Two Negroes were called for jury duty today when the regular fall term of United States District Court was convened here by Judge I. M. Meekins, of Elizabeth City, making the first time in a great number of years that a Negro has served on a jury. One of the Negroes was on the grand jury and the other was on the petit jury.

Trial of a number of liquor cases was had today while the most important cases on the criminal docket are set for trial tomorrow. Six defendants, members of an alleged ring of box car thieves, are slated to go on trial tomorrow morning. They are E. L. Dawes, Leonid Wall, and Leonard Woodard charged with receiving stolen goods; Ja Edwards, and M. P. "Railroad" Ra former baseball player, charge with possession of stolen goods, an Jim Hill, charged with receivi and possessing stolen goods.

Indications are that a bitter contested case is impending an court officials are hopeful of clea ing the criminal docket before t box car robbery cases are calle Two dozen civil cases are set f trial later in the week.

NEGRO JURY RIGHTS ARGUED IN VIRGINIA

Dispatch 11-9-33

Judge Admits That He Did Not Consider Putting Them on Crawford Panel

Newspaper

DECLARES NONE QUALIFIED

State's Attorney Also Says There Was No Discrimination—Crawford Heavily Guarded.

LEESBURG, Va., Nov. 6 (AP).—Decision on a motion to quash an indictment charging George Crawford, Negro, with the slaying of two women at Middleburg, Va., was deferred until tomorrow after counsel for the defense and State had completed argument today.

Judge James L. McLemore announced he probably would hand down a written decision on the motion.

Dr. Charles Houston, Negro attorney for Crawford, in summing up his argument, charged that Judge J. R. H. Alexander of the Circuit Court had discriminated against Negroes by not placing them on grand jury lists because of their race and color.

Commonwealth's Attorney John Galleher, in urging the court to sustain the indictment returned in February, 1932, declared the defendant had failed to show that Judge Alexander had discriminated against Negroes because of race or color.

He said the State denied that there were Negroes in Loudon qualified to serve on grand juries. He contended that when Judge Alexander made up the list in 1931 of forty-eight citizens from whom the grand jury was composed the court had not acted "in any way to prejudice" Crawford. He pointed out that the list was drawn before the murders were committed.

Judge Alexander testified that in picking the list of names he had not considered placing Negroes on it.

Crawford is charged with the slaying of Mrs. Agnes Boeing Isley, prominent society woman, and her maid, Mrs. Nina Buckner, at the former's estate at Middleburg, Jan. 13, 1932.

Because of some feeling in the county State authorities had let it be known that defense counsel did not plan to bring Crawford to the hearing today. However, Crawford, who has been in jail at Alexandria since he was extradited from Massachusetts, was brought to the Loudon County Court House under escort of twelve heavily armed State police.

The old Colonial-type court room was jammed by a curious crowd, composed about equally of white and colored persons.

Virginia Negroes Called To Serve on Federal Jury

Argus 11-18-33

NORFOLK, Va. — (CNS)—Two newspapermen were among four Negroes summoned for jury duty at the November term of the Federal district court which convened November 6. While the practice of calling Negroes for Federal jury duty is not new here it has fallen into disuse in recent years.

Of those summoned two were of the staff of the Journal and Guide—P. B. Young, editor and G. J. Flem-ing, one of his employees. Both were designated for grand jury duty. Mr. Fleming, however, is now in New York City, city editor of the recently established Daily Citizen.

Barring of Negroes From Juries Upheld

Daily Worker 11-14-33

Court Sets Dec. 12 for Trial of Crawford

LEESBURG, Va., Nov. 13 — December 12 was set for the "trial" of George Crawford, Negro worker, after Judge James L. McLemore, presiding at a recent hearing in this town, denied a motion by Crawford's attorney, Dr. Chas. H. Houston, to quash the indictment.

New York

Dr. Houston's motion was based on the exclution of Negroes from the grand jury which speedily indicted Crawford following the mysterious murder of Mrs. Agnes Baieling Ilsley, society woman, and her colored maid. The sole "evidence" produced against Crawford was that, formerly employed by Mrs. Ilsley, he had been fired shortly before the murder.

Judge J. R. H. Alexander who selected the grand jury which indicted Crawford, was forced to admit on the witness stand that he had "not considered Negroes on the list." The state's attorney John Gallagher, impudently declared there were no Negroes in Loudown County quaified to serve on juries. By his ruling, Judge McLemore supported this slanderous attack on the Negro masses and the flagrant violation of the constitutional rights of the Negro People.

Juries-1933

Historical

"Mixed" Jeff Davis Jury Recalled

RICHMOND.—In the picture above is the grand jury in the District of Columbia which after the close of the Civil war, indicted Jefferson Davis, Kentuckian, West Point graduate and first and only president of the Confederate States of America, for treason.

Davis was indicted by a jury composed of white and colored men from the District of Columbia, but was never tried upon the charge of treason for which he was indicted. Such a picture has not been possible in Richmond for a great number of years, but when the Hustings Courts, Parts 1 and 2, open here, in the former capital of the Confederacy, for the October term this year there will be colored men upon the grand jures.

It will be noted that there are 18 men pictured in the group that composed the grand jury which indicted Davis, which fact has led to considerable legal discussion as to how many men composed a grand jury in the past, just when the number was cut down, and the reasons for same.

Juries, Rights of Negroes Respecting (Historical)

1913

NEGROES HAVE RIGHT TO SERVE ON JURIES

Supreme Court of Florida Renders Decision in The Matter

Mont Adv: 3-14-13

Special to The Advertiser.

PENSACOLA, FLA., March 13.—Boards of county commissioners and other bodies making up jury lists must place the names of negroes in the jury boxes for jury duty, according to a decision of the Supreme Court of Florida. Otherwise, when negroes are tried, or are parties to suits and these suits are decided adversely to them, they have the right to appeal to the Supreme Court on the just grounds of race discrimination. The Supreme Court has laid down this law in a decision which reverses the circuit court of Duval county, where a negro was tried and the negro lawyer defending him appealed on the ground that no negroes served on the jury trying the defendant; that none had been drawn at that term of the court and that the board of county commissioners had failed for years to place the names of any negroes in the jury box. The chief justice of the court dissented from the opinion.

Bond Election.

Pensacola tax payers will soon have the opportunity of voting on the question of issuing $100,000 in bonds for the purpose of constructing a city electric light plant, but it will not be a plant that will be in the business of supplying electricity to consumers in competition with the plant of Stone and Webster, but only to furnish the city with electricity. A resolution calling for a special election and stating the purpose as being to supply electricity for municipal purposes, was passed by the city council, where it was introduced by Alderman O. J. Semmes. A few months ago this council voted not to incorporate in a bond election then being authorized a clause for a municipal lighting plant. Many favor a lightning plant, while the opponents of the city operating one are also quite numerous and advance the opinion that the city cannot operate a plant at a profit. Another resolution passed by the city council relating to electric lighting plants, and introduced by Alderman Concannon, is more drastic and is aimed at the present company. It calls for the appointment of a committee to ascertain the rates charged the city of Pensacola for light, the rate charged Fort Barrancas as well as other large consumers, to ascertain what the rights of the city are under the eminent domain to condemn the plant and take it over.

Daniels Going to Pensacola.

Secretary of the Navy Daniels, recently appointed to that office, is soon to visit the Pensacola navy yard, according to information received here. He is to be in Charleston the latter portion of the month and it is stated that it is very likely that he will come on to Pensacola and inspect the navy yard, which his predecessor ordered closed down about a year ago. According to reports the secretary does not propose to take any action towards opening the southern navy yard until he has inspected all of them and will then reach a decision.

CORRECTION

EDITOR'S NOTE:

INADVERTENTLY NOT FILMED IN
PROPER SEQUENCE.

Juries, Rights of Negroes Respecting (Historical)

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Juries, Rights of Negroes Respecting. (Historical)

1917

COLOR LINE JURY SYSTEM IN THE SOUTH SHOULD BE DESTROYED.

Daily Herald 1-21-17

The United States Supreme Court, in its sweeping decision on the Segregation case, touched upon the color line jury system in vogue in nearly all of the Southern States. In the decision reference was made to a case in which the Court held that because Negroes were not permitted to serve on the jury, and the defendant, therefore, given the privilege of selecting a jury composed, in part at least, of men of his own race, he was deprived of his rights, and that jury lists from which Negroes were excluded were illegally and unconstitutionally made up.

Next to flagrant acts of violence and lawlessness for which their perpetrators are seldom or never punished, the oppression and wrongs inflicted upon the Negro through the iniquitious and vicious jury system of Southern courts are unparalleled in the courts of justice of this country except in that section, a mockery of justice and a disgrace to American institutions.

In courts where such a jury system prevails no white man is ever convicted of crime against a Negro except in a most flagrant and brutal case, and then only upon testimony of white witnesses. An unwritten law prevails in those states that no white man shall be placed in jeopardy of life or liberty upon the testimony of a Negro.

On the other hand, the basest and vilest among the degraded of the white race is competent, and his testimony given weight and credibility to convict a Negro charged with crime against a white person.

Rare, indeed, are the instances wherein a Negro fails of conviction before the color line juries of such states as South Carolina, Mississippi, Georgia, Texas and Florida, if accused of crime against a white man or woman.

Comparisons are frequently instituted showing the great criminality of Negroes as against the freedom from crime of the white man, when, as a matter of fact, white men in the South are seldom arrested for crime, and when arrested more seldom convicted.

Until the rotten color line jury system is uprooted the Negro will suffer from court oppression, and since the highest court has pointed the way, it is the duty of the race leaders to begin at once to demand representation on juries and failing, take the cause into the court where justice can be obtained.

EVENING GLOBE

New York City

JAN 30 1917

Southern Feeling.

Editor Globe:—With all due respect to you and to Judge Rosalsky (who rebuked and discharged a Negro-hating juror), you can't sit up here in your offices in New York and appreciate the feeling, the attitude, of people all over the United States. If you should have stricken from the citizenship list the names of all such men as this man, men who are prejudiced against Negroes, you would disfranchise 75 per cent. of the voters in the south. That, sir, is a fact. And the south is just as much a part of this country as the north is. I could introduce you to a score of men, southerners, right here in New York, who would be exempt from jury duty on such a case as this, and for the same reason. And they are all smart, intelligent men. Do you suppose a jury composed of Englishmen could give a fair trial to a German? Yet are Englishmen crazy? The feeling and attitude of the people in the south toward the Negro race cannot be appreciated by you gentlemen born and raised in the north.

SCOTT C. WILLSON.

New York, Jan. 25.

AMERICAN

New York City

Cut Off Jury Lists for Race Prejudice

The name of John A. Magee, a real estate agent and Yale graduate, of No. 174 West Eighty-sixth street, is to be stricken from all jury lists at the direction of Judge Rosalsky.

Magee's prejudice against the negro race is responsible for this remarkable order, which was announced at the trial of a negro in Part 5, General Sessions, yesterday.

Magee was one of the talesmen undergoing examination for the trial of Nathaniel Motley, accused of stabbing to death John Press, also a negro, on August 4. Magee, when asked if there was any reason why he should not serve as a juror, replied:

"The best reason I can give for not being eligible as a juror is my prejudice against the negro race. As the defendant belongs to that race, I know I could not view the case impartially."

Juries, Rights of Negroes Respecting (Historical)

1918

afro American 5—3—18

SLEEPING ON OUR RIGHTS.

Along about January 1904, the U. S. Supreme Court re-affirmed the rulings made in the case of Carter vs. The State of Texas, to the effect that the exclusion of Negroes from Grand Juries in cases involving criminal charges against members of their race, is a violation of the Constitution and therefore not permissible. The decision was delivered by Mr. Justice Holmes in the case of a resident of Alabama named Rodgers, who was indicted for murder by a Grand Jury, composed entirely of white men and from which, it was charged that all Negroes were excluded because of their color. The decision was based on the Carter case in which it was held that "the exclusion of all persons of the African race from a Grand Jury which finds an indictment against a Negro in a State Court, when they are excluded solely because of their race or color, denies him equal protection of the laws, in violation of the Fourteenth Amendment of the Constitution of the United States, whether such exclusion is through the action of the Legislature, through he Courts or through the executive or administrative officers of the State."

We are just wondering how many colored persons have been "railroaded" through the courts of this State to prison and even to death, simply because we have neglected to see that the provisions of the law have been carried out. How many colored men have been drawn on Grand Juries in Anne Arundel County, Baltimore County or any of the counties of this State for the past ten or fifteen years? The oldest inhabitant could hardly recall the event. As for petty juries, even Baltimore has been very lax for the past several years.

This matter is entirely too important to pass over without an effort to remedy it, and it seems to us that some of our younger lawyers who are not overburdened with practice might look this matter up and possibly gain some prominence as well as fees. However, our rights are at stake and we must see to it that they are protected in every Court of the State.

DISCRIMINATION IS CHARGED BY NEGRO

LITTLE ROCK ARK GAZETTE
JANUARY 15, 1918

Scipio A. Jones Revives Old Issue During Trial of W. H. White.

Alleging there had been racial discrimination in the appointment of jury commissioners for the selection of the Grand Jury which indicted W. H. White, negro, charged with forging divorce decrees, and in the selection of the panel of petit jurors and in summoning talesmen for the jury to try the case, Scipio A. Jones, negro attorney, asked Judge John W. Wade of the First Division Circuit Court to quash the indictment against White.

Harry C. Hale, deputy prosecuting attorney, objected to the motions, which were overruled by Judge Wade. Jones then asked that the case be continued, saying that he was ill. Judge Wade overruled also this motion and appointed Lewis Rhoton to assist in the defense.

Evidence Is Heard.

Jones insisted that the court hear evidence to show that there had been discrimination in the selection of juries in the court. This was granted.

Harry Pfeifer, one of the jury commissioners, who selected the panel in September, 1916, and James A. Ginocchio, one of the jury commissioners, who selected the panel in September, 1917, were placed on the stand. They testified that in the selection of jurors the question of placing negroes on the panel had never been discussed. They admitted that there are some negroes in Pulaski county competent to serve as jurors.

Norman A. Beller, deputy sheriff, who had served the court in that capacity for many years, testified that he summoned talesmen for the White case and had subpoenaed men as he found them, but that he summoned no negroes to serve on the jury. He said the question of discrimination had never entered his mind.

Jones said that no negro had been summoned as jurors in the Pulaski Circuit Court for more than 30 years and for that reason it followed that there has been racial discrimination.

Issue Up Before.

In 1900 Jones raised the same question, when he was defending a negro named Castleberry, charged with grand larceny. W. H. Pemberton was special judge on the occasion and overruled the motion. The case was taken to the Supreme Court, which reversed Judge Pemberton's action on the ground that no evidence was submitted to prove that there had been discrimination. No further proceeding was had.

White is a negro attorney of Little Rock. There are 33 indictments against him, some for forging divorce decrees on the Jefferson County Chancery Court and others for obtaining money under false pretenses. It is charged that he procured 50 divorces in this way, receiving from his clients $17.50 for each decree.

Little progress was made in the trial of the case yesterday. Only nine jurors were accepted after the regular panel and several talesmen were exhausted and the court adjourned at 3 o'clock until 9:30 this morning, when the selection of the jury will be resumed. The nine jurors accepted are: Henry Gramling, G. E. Overon, Louis Lafford, Sid Thomas, Roger Young, G. C. Byrd, W. P. Smith, Josh Harp and P. H. Hefferman.

Juries; Rights of Negroes Respecting (Historical)

Jury Racial Discrimination Grounds For Appeal

The Baltimore News 8-12-20

Alabama County's Population Nearly One-Half Negroes and Not a Negro In Jury Box--- Prosperous Farmer Charged With Killing Melon Thief

Montgomery, Ala., Aug. 5.—When a crowd of white boys invaded Race Berry's watermelon patch at midnight, and refused to leave when ordered from the place, he fired into the bunch with a shot gun, killing Gordon Ogeltree, young white man. Berry is a prosperous colored farmer that has lived in the country al lhis life.

The Montgomery county grand jury returned an indictment against the colored man charging murder in the first degree and attorneys for Berry appeared before the court today and motioned that the case be quashed on the grounds that names of Negroes were not in the jury box from which the grand jury members were selected. The motion was denied by Judge Leon McCord.

The attorneys set out that nearly one-half the population of Montgomery county consists of Negroes and tha no names of Negroes are in the jury box. Negroes were not on the grand jury that indicted Berry. Berry's attorneys intimated they would take an appeal from the McCord decision, if necessary, going to the United States supreme court.

Frederick Judges Appoint Bruce

Well Known Farmer is First Colored Man in 25 Years to Sit on Jury.

1-23-20

The Afro American

"AFRO" TOOK LEAD

Letter to All Judges in State Last Month Urged Appointment of Jurymen.

Special to the Afro-American.

Frederick, Md., Jan. 22.—In the list of jurors drawn by Judges Urner and Glenn H. Worthington for the February term of the Frederick County Court appears the name of Richard T. Bruce, a colored farmer, and at one time a teacher in the public schools. This is the first time in twenty-five years that a colored man has been selected for jury service in this county.

* * *

Under date of December first, the AFRO-AMERICAN sent the following letter to all the judges of Maryland:

Dear Sir,

SUBJECT:—

"What seems to me to be one of the most unfair things in our present court procedure is the elimination of colored men for coroner's, petit and Grand Juries of the city and state. Out of the many colored person who are willing to serve on grand jury, some months pass when no colored man is selected. In the selection of coroner's juries, colored people are never picked and it is only in rare cases that colored men sit on petit juries.

"Our constitution declares that citizens of the commonwealth shall be tried by their peers. Is it not a violation of the spirit if not the letter of the law when colored men are by intent or neglect kept from serving as jurors? I confess that to me exact justice would demand that in cases where colored people only are concerned, the parties should have the right to demand an all colored jury; and in cases where the two races are concerned, parties should have a right to demand a mixed jury.

"If it please your honor, I declare to state frankly here, that one of the many causes of unrest, one of the grievances of the colored man in America in his dissatisfaction with the present jury system, the lurking suspicion become conviction in many cases, that he is not getting a square deal.

"Every national Negro welfare organization, that has held its annual or semi-annual meeting this past year, has spoken in direct language urging a reform of the present method of selecting juryman.

"President Wilson stated on his last western trip that the only way to stop protests against grievances was to remove the grievance.

Among the first replies to the above letter received was a letter from Judge Urner, who stated that Judges Worthington, Peter and he had considered the matter jointly. The Judge declared: "We can assure you that in the selection of persons for jury service in the Circuit Court, we have no desire or intention to discriminate against anyone on account of color."

Judge Walter F. Dawlins of the Baltimore Supreme Bench stated: "The theory of the last is that no race is considered in selecting juries. Such is the practice in Maryland." He also said that "As a matter of practice, at least one colored man is nearly always selected for the Grand Jury, Coroner's Juries are selected from people near at hand when the necessity arises for having such a jury Colored men are also selected for the Petit Jury."

At the last meeting of the Supreme Bench of Baltimore, the letter of the AFRO-AMERICAN was called to their attention by Judge Morris A. Soper.

JURIES AND JURIES

One hundred and seventy-six gentlemen were selected last week as Petit Jurors in the several courts for the fourth three weeks of the January term. These men are to pass upon the innocence or guilt of the hundreds of citizens who come before them in criminal and civil cases.

Not a single one of the jurors is colored, altho these men will try hundreds of colored persons. The oldest lawyer at the local bar can count on his fingers the number of times we have had a colored person selected as petit juror, and not one remembers when a colored person was drawn on a coroner's jury.

This is the record, what are we going to do about it?

The Supreme Court of Florida in 1919 declared that colored people on trial or party to suits have a right to demand that Negroes be on trial juries. When the names of colored people are not put in jury boxes for duty, and the case is decided adversely, they have the right to appeal on the ground of race discrimination.

The Supreme Court took the same ground in the case of Rogers versus Alabama, and Carter versus Texas. As matter of fact the United States Constitution guarantees in the 14th Amendment the right of Negroes to serve on juries, and the simple thing to do is to make the courts themselves act within the law.

The Afro American

Must Sit On Juries

Portsmouth, Va., July 22.—Emmett J. Scott, secretary-treasurer of Howard University, told the State Business League that Negroes must serve on juries, must vote, must hold offices like other citizens. He declared against Jim Crow cars and segregation.

A SAVING PATRIOTISM

The New York News 1-23-17

Judge Rosalsky, in General Sessions Tuesday, when told by a questioned juror that he could not be fair to a colored man because he was prejudiced, erpressed a sentiment that the American people must adopt if this republic is to survive:

"My theory," retorted the Judge, "is that any man with such ideas should be disqualified from serving on a jury. I shall order that your name be stricken from the list. It seems to me that some people should constantly be reminded that this country was founded by all classes and conditions of men. While the white man sits today in judgment on the black man, you can not tell but what tomorrow the black man will sit in judgment on the white man."

The nation needs to be reminded in lessons more severe than any it has received since the Civil War that this nation was founded by all classes, conditions and colors of men. The nation needs to be reminded that a black man sacrificed his life's blood first on the altar of American liberty—Crispus Attucks in the Boston Massacre; that Peter Salem died on Bunker Hill; that colored soldiers fought valiantly in the War of 1812 and that with Mexico in 1846; that colored soldiers saved the Union in 1861.

Judge Rosalsky uttered a sentiment that should ring henceforth from Maine to California in the hearts of every true American. Dark days are coming. Black men will then be needed.

A Negro in Dallas was summoned for the jury pannel "by mistake" and refused to be "excused" when it was discovered that, while being otherwise qualified, his face was dark. White men on the jury segregated themselves from him, of course, but the Negro stayed on and the court was reported to be in a quandary as to just what to do. 3-31-20.

We are also in a quandary concerning the case and all such. but our's is not on the correct disposal of the case. We are more in a quandary as to just what mental, moral and spiritual plane we may place ourselves on, in order that we might fit in with, harmonize with and properly understand the many extremes of rank foolishness resorted to by some "good" American people!

We do not criticise the Negro, although we neither envy his position nor recommend his stand in every case. We are also just a little particular about our associates same as the other fellow. But that jury and the court—representing justice—show themselves absolutely unfit for the positions they are called on to fill! We close with the question: Which of the two is betterqualified for the duties of JUSTICE,—the Negro or the remainder of the jury?

DEMANDED HIS RIGHT TO SERVE AS JURYMAN.

Dallas Express

Prof. Porter Refuses to be Excused Except by Judge Who Declared Him Qualified and Eligible to serve.

3-20

Quite a sensation has been caused by the summoning of Prof. G. F. Porter for petit jury service and his refusal to be excused except by proper procedure, when called upon to do so.

Prof. Porter, was summoned to report for jury service on Monday morning. Upon reporting for duty he was told by the sheriff that a mistake had been made and that he might be excused. His reply was, that he did not wish to be excused but that he was willing to serve and felt that it was his duty as an American citizen.

When the names of those summoned were being called his name came up

in due order, but he was told by a clerk that his day's pay was ready and that he might go home. His reply again was that he felt it his duty to serve and that he did not wish to be excused.

The judge, after they were sworn in, instructed them and they were told to retire to the jury room. Mr. Porter before leaving asked the judge if he was, his qualification for jury service as a free holder and citizen of the country and the judge replied in the affirmative and directed him to take his place with the other jurors. He went to the jury room with the rest of those chosen.

At noon time or just before, a representative of the District Attorney came to Mr. Porter and asked if he didn't realize the position in which he was placed and asked further that he accept his pay while he could get it and go home.

Mr. Porter stated to him that he had come properly summoned and that since he desired to serve, if he should not be allowed to serve, the would manded that he separate himself from Kimbrough, who had directed him to the jury room.

Members of the jury approached him after the noon recess and demande that he separate himself from them. He did so, but remained in the jury room until adjournment Monday evening.

When he returned Tuesday morning he was again approached and told to leave. He then went to the Fourteenth district court room. where he remained Tuesday morning.

Speaking to the reporter, Mr. Porter said: "I talked with Judge Kimbrough Monday," "and he instructed me to return to the jury room. I came to his court room this morning for protection. I was afraid I was to be attacked by white members of the panel. I want to serve, but if they do not want me then it is proper for the court which called me to dismiss me.

"The district clerk has paid several jurors for one days service and excused them. He used that as an argument to me, but I am aware of the fact they asked to be dismissed. I believe he has that right to dismiss a juror when they do not want to serve, but I want to serve and will do so if permitted."

On Tuesday evening Judge Kimbrough called Mr. Porter and told him that as his services would not be needed he might be excused and that his pay for his services could be obtained if he desired it. Mr. Porter very politely refused it, thanked the judge, again stated his willingness to serve if called, and left.

Prof. Porter is well known and highly respected in Dallas, having been teacher of History in the Colored High School for the past few years.

COLORED MAN ON GRAND JURY

LOUISVILLE, Ky., Dec. 16.—Rev. J R. Donan of Clarks, Ky., about eight miles from Louisville, has the distinction of being the only Colored man to serve on a jury in Jefferson county for a number of years.

Rev. Donan served on the December Grand Jury, Common Pleas Division, Jefferson Circuit, Judge Fields' Court, from November 25 to December 5.

Rev. Donan speaks in the highest terms of the nice treatment accorded him by the court and his fellow jurors.

Of course Rev. Donan's name was put in the wheel with other taxpayers and drawn by the sheriff.

COLORED JURYMAN FOR FREDERICK COUNTY

The Afro American

For the second time in the history of Frederick County, a colored man has been appointed on the jury. Very naturally the announcement has provoked both favorable and unfavorable comment upon the wisdom of it. 1-23-20

Fair-minded white people, and there are many of them in Frederick County, declare that unless the Constitution of the United States is to be regarded as invalid, then colored persons must have the right to serve on juries as well as other citizens of the commonwealth. The right of a colored man to sit on a jury is just as sacred as his right to vote, and the abridgement of either of these rights is both unjust and unconstitutional.

In the minority of the white people of Frederick County, can be found a white man like Charles S. Houck, Sr., who has twice been a foreman of Frederick County Juries.

Commenting on the appointment of a colored man on the county jury, he says:

(1) "In the years to come, Frederick County justice may be handed out by Negroes. If one is drawn now, there is nothing to stop the court from drawing an entire black jury. Frederick County would certainly be honored by having a Negro jury dealing justice in our court."

(2) "At this time of the year when the farmers are not overworked it would seem to me that the court could certainly find enough eligible intelligent white men who would be willing to serve on a jury without placing the name of a Negro on the court records of our county."

As to Mr. Huck's first statement, he, himself knows there is absolutely no truth in it. There is nothing in the appointment of one single colored man among eleven others that can lead to the surmise that an all-colored jury would ever be named to handle all colored and white cases in the court. **On the other hand if Mr. Houck is displeased over the appointment of a single colored man on the jury, how must colored people have felt these past twenty-five years when all twelve of the jurymen appointed to try their cases were white.** If Mr. Houck can be generous and fair-minded let him put himself in the place of an intelligent colored man once, and he would soon see that it is a poor rule that does not work both ways.

As to the second statement, it was not a question of trying to find eligible white men for the jury, but finding eligible citizens. This thing our white friends must learn and learn quickly: "OUR GOVERNMENT MAKES NO DISTINCTION BETWEEN CITIZENS AS TO COLOR WHEN IT COMES TO LEVYING TAGES, OR WHEN IT COMES TO DRAFTING SOLDIERS. SINCE THIS IS TRUE, NO DISTINCTION CAN BE MADE WHEN IT COMES TO THE VOTING PRIVILEGE, JURY PRIVILEGE, OR ANY OF THE OTHER GREAT PRIVILEGES, THAT BELONG TO ALL CITIZENS."

The people of Frederick County do well to commend the action of Chief Judge Hammond Urner, Republican and Glenn H. Worthington, Democrat, in appointing Mr. Richard T. Bruce for the February Term of the Court. To the AFRO-AMERICAN, the judges wrote that it was not the intention of the Circuit Court "to discriminate against anyone on account of color." This is the sentiment that can be commended to the other judicial districts of the State.

PROF. W. C. DAVIS ON THE GRAND JURY.

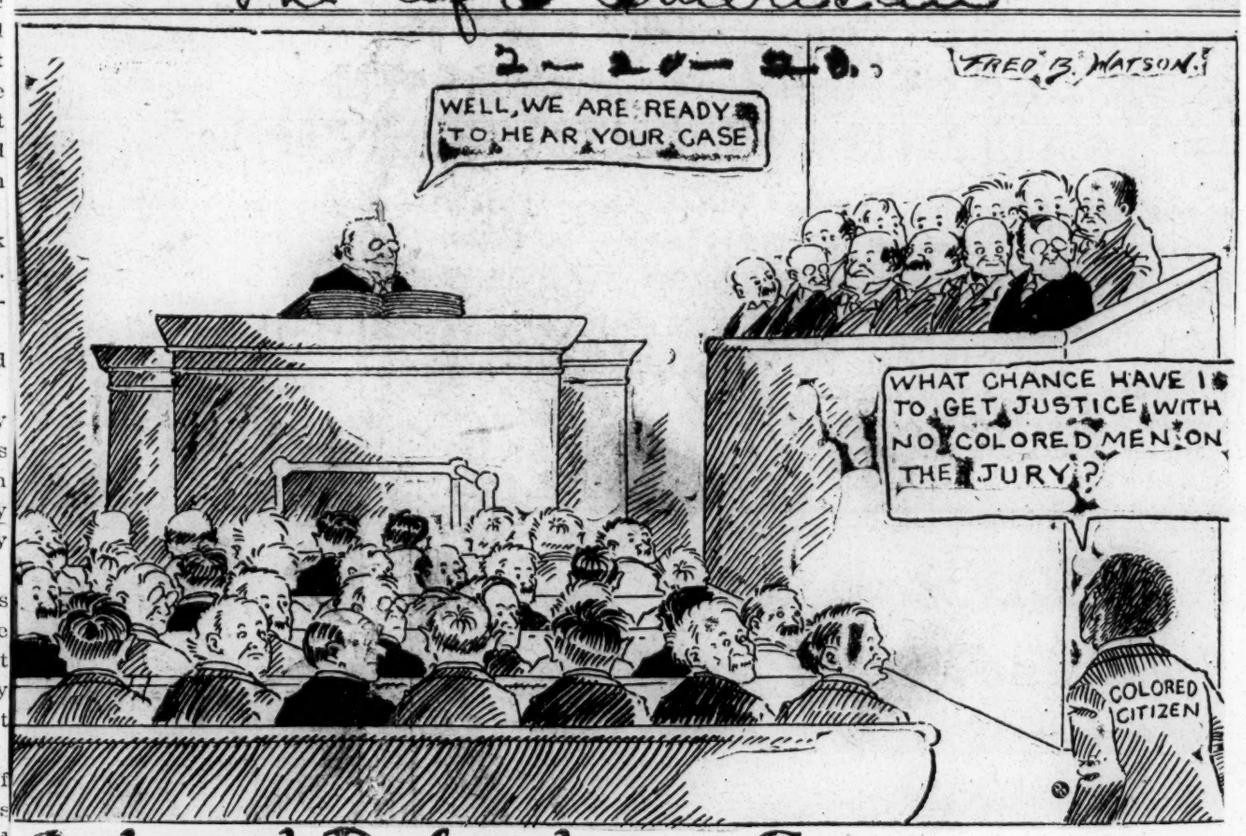
Birmingham Reporter 9/5/20

Prof. W. C. Davis, principal of the Thomas school in this city, is serving on the Federal Grand Jury this week, presided over by Judge W. I. Grubb. Professor Davis is one among the most influential colored citizens of the Birmingham district.

The Afro American

2-20-20.

FRED B. WATSON.



Colored Defendants Say Rights Not Protected; No Negroes on Grand Jury

MARCH 8 1919

Plea in Abatement Tendered, Asking That Indictments Be Quashed.

Declaring that they were denied equal protection of their legal rights because there were no negroes on the grand jury, John Epperson, colored, charged with a second violation of the prohibition laws, and Ethel Whitfield, also colored, indicted on a charge of feloniously shooting another negress, tendered a plea in abatement in criminal court Thursday morning, asking that the indictments against them be quashed. The plea was taken under consideration, and arguments will be heard in a few days, probably Saturday.

The whole question involved in the plea is whether or not the county court excluded negroes from the list of taxpayers, from whom the grand jurors were drawn, solely because of their race and color. The plea alleges that such discrimination was made.

The West V[illegible] a Supreme Court of Appeals, in [illegible]ding a case from McDowell cou[illegible] recently, held that if the county c[illegible]t made such discrimination soi[illegible] because of race and color, any indictments found against negroes by the grand jury were invalid.

The plea tendered Thursday morning sets out that a large percentage of the population of Harrison county is composed of negroes and that a large number of the colored residents are qualified to serve as grand jurors, and that none sat upon the grand jury which indicted the two defendants because the county court had excluded negroes from the list furnished the jury commissioners. The plea alleges that the action of the county court in excluding negroes was taken solely because of race and color.

Half of Coroners Jury Colored

Chicago, Ill., July 8.—Half of the jury empannelled to take testimony of witnesses concerning the two persons killed in the recent riot are colored and the other half are white. After taking two hours testimony the case was continued till next week.